

The Gazette



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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 5th July, 1961 :—

Issue No.	No. and Date	Issued by	Subject
179	S.O. 1555, dated 1st July, 1961.	Ministry of Scientific Research and Cultural Affairs.	The International Copyright (First Amendment) Order, 1961.
180.	S.O. 1556, dated 1st July, 1961.	Ministry of Information and Broadcasting.	Approval of film specified therein.
180-A	S.O. 1556-A, dated 3rd July, 1961.	Ministry of Finance.	Order of moratorium in respect of the Jodhpur Commercial Bank Ltd., Jodhpur.
181.	S.O. 1557, dated 4th July, 1961.	Ministry of Law.	Declaration containing the name of the candidate elected by the Chatrapur Parliamentary Constituency in the House of the People.
182.	S.O. 1558, dated 4th July, 1961.	Ministry of Finance.	Directing the Catholic Bank of India Ltd., to make payments—details specified therein.
183.	S.O. 1609, dated 5th July, 1961.	Ministry of Education.	Appointing Prof. A. R. Wadia, M.P. as a member of the University Grants Commission.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

MINISTRY OF FINANCE**(Department of Expenditure)**

New Delhi, the 30th June 1961

S.O. 1611.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following Regulations further to amend the Civil Service Regulations, namely:—

1. These Regulations may be called the Civil Service (Eighteenth Amendment) Regulations, 1961.

2. In the Civil Service Regulations.—

(a) the Note under Article 911 shall be omitted;

(b) in Article 912, for clause (i), the following clause shall be substituted, namely:—

“(i) The authority receiving the formal application in Form 30 shall immediately draw up the application in Form 25 in accordance with the instructions embodied in Form 26. Even where the formal application has not been received the Head of the Department shall draw up the application in Form 25 as soon as it becomes known that an officer is due to retire within one year or has proceeded on leave preparatory to retirement and shall not delay it till the officer has actually submitted the formal application for pension. In the latter case entries against items 14, 16, 17 and 18 on the First Page of Form 25 shall not be filled up at the initial stage. The relevant entries shall be made soon after the formal application is received. However, if by the time the formal application is received, the application in Form 25 has already been sent to the Audit Officer, the formal application shall immediately be forwarded to the Audit Officer who will complete the necessary entries.”;

(c) in Article 917, for sub-clauses (i) and (ii) of clause (a), the following shall respectively be substituted, namely:—

“(i) After completing the verification in the manner indicated in Article 915, the Head of the Office shall draw up the application in Form 25. This should be done irrespective of the fact whether a formal application for pension has been received from the officer or not. If at the time the application in Form 25 is drawn up, a formal application from the officer has not yet been received, entries against items 14, 16, 17 and 18 on the First Page of Form 25 shall not be filled up at that stage. The relevant entries shall be made soon after the formal application is received. However, if by the time the formal application is received, the application in Form 25 has already been sent to the Audit Officer, the formal application shall immediately be forwarded to the Audit Officer who will complete the necessary entries.

(ii) The Head of the Office shall also follow directions contained in clauses (ii) to (iv) of Article 912.”;

(d) in Form 26, for clause (a) of item 8 of the 'List of Enclosures' the following shall be substituted, namely:—

“(a) Formal application for pension in Form 30.”;

(e) in Form 30, after item (iii) of paragraph 3, the following shall be inserted, namely:—

“(iv) two slips each showing particulars of my height and identification marks.”

[No. F. 17(4)-EV(C)/61.]

New Delhi, the 5th July 1961

S.O. 1612.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General in respect of persons employed in the Indian Audit and Accounts Department, hereby makes the following Rules, namely:—

1. These Rules may be called the General Provident Fund (Central Services) Second Amendment Rules, 1961.

2. In the General Provident Fund (Central Services) Rules, 1960, the Note under sub-rule (1) of rule 7 shall be numbered as Note 1 and after the Note as so numbered, the following Note shall be inserted, namely:—

“Note 2.—The holder of a seasonal post in an establishment need not subscribe to the Fund during the period of his unemployment”.

[No. F. 10(2)-E.V.(B)/61.]

N. K. BHOJWANI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 7th July 1961

S.O. 1613.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949, (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Kishanganj Bank Ltd., Kishanganj in respect of the undernoted properties held by it, till the 15th March 1963.

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|----|--------------------|-----------------|------------------|
| 1. | Mouza Khagra Khata | No. 43 and 403 | |
| 2. | „ Mogura „ | No. 316 | |
| 3. | „ —do— „ | No. 321 | |
| | | No. 318 | Share 0-5-4 pies |
| | | No. 322 | „ 0-8-0 annas |
| | | No. 310 | „ 0-3-4 gandas |
| | | No. 311 | |
| 4. | „ —do— „ | No. 298 | |
| | | No. 299 | „ 0-8-0 annas |
| | | No. 295 | „ 0-5-4 pies |
| 5. | „ —do— „ | No. 310 | „ 0-3-4 gandas |
| | | No. 319 | |
| 6. | „ Bhatgaon „ | No. 287 and 298 | |

[No. F. 4(91)-BC/61.]

D. N. GHOSH, Under Secy.

(Department of Economic Affairs)

New Delhi, the 10th July 1961

S.O. 1614.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby

adds to the Schedule to the said Act, the name of the following public institution, namely:—

“Gujarat State Financial Corporation established (incorporated) under the State Financial Corporations Act, 1951 (63 of 1951)”.

[No. F. 6(49)-Corp/60.]

New Delhi, the 11th July 1961

S.O. 1615.—In pursuance of clause (aa) of sub-section (1) of section 10 of the Industrial Finance Corporation Act, 1948 (15 of 1948) the Central Government hereby nominates Shri K. S. Sundara Rajan, Joint Secretary, Department of Economic Affairs, Ministry of Finance, to be a Director of the Industrial Finance Corporation of India *vice* K. P. Mathrani.

[No. F. 2(78)-Corp/61.]

M. K. VENKATACHALAM, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 10th July, 1961

S O. 1616.—Statement of the Affairs of the Reserve Bank of India as on the 30th June, 1961**BANKING DEPARTMENT**

Liabilities	Rs.	Assets	Rs
Capital paid up	5,00,00,000	Notes	44,81,23,000
Reserve Fund	80,00,00,000	Rupee Coin	1,33,000
National Agricultural Credit (Long-term Operations) Fund	50,00,00,000	Subsidiary Coin	1,62,000
National Agricultural Credit (Stabilisation) Fund	6,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal
		(b) External
		(c) Government Treasury Bills	35,53,03,000
Deposits :—			
(a) Government		Balances held abroad*	10,77,62,000
(1) Central Government	59,68,33,000	Loans and Advances to Governments	34,29,70,000
(2) Other Governments	15,18,04,000	Other Loans and Advances†	130,41,34,000
(b) Banks	94,72,93,000	Investments	189,49,13,000
(c) Others	115,27,27,000	Other Assets	25,94,68,000
Bills Payable	31,19,21,000		
Other Liabilities	14,23,90,000		
RUPEES	471,29,68,000	RUPEES	471,29,68,000

*Includes Cash & Short term Securities.

†The item 'Other Loans and Advances' includes Rs 10,50,00,000/- advanced to scheduled bank against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated the 5th day of July, 1961.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 30th day of June, 1961

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	44,81,23,000		A Gold Coin and Bullion - -		
Notes in circulation	1933,40,81,000		(a) Held in India	117,76,03,000	
Total Notes issued		1978 22,04,000	(b) Held outside India	
			Foreign Securities	103,00,89,000	
			TOTAL OF A		220,76,92,000
			B. Rupee Coin		120,52,47,000
			Government of India [Rupee Securities		1636,92,65,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES		1978,22,04,000	TOTAL ASSETS		1978,22,04,000

Dated the 5th day of July, 1961,

H. V. R. JENGAR,
Governor.

[No. F 3(2)-BC/61.]

A. BAKSI, Jt. Secy.

CENTRAL BOARD OF REVENUE

LAND CUSTOMS

New Delhi, the 15th July 1961

S.O. 1617.—In exercise of the powers conferred by section 4 of the Land Customs Act, 1924 (19 of 1924), the Central Board of Revenue makes the following further amendments in the notification No. 22-Customs, dated the 2nd February, 1952, namely:—

In the Schedule annexed to the said notification, for the heading "C. Land Customs Area under the jurisdiction of the Collector of Customs, Calcutta", the sub-headings and the entries in columns 1 and 2 of the said Schedule, the following heading, sub-headings and entries shall be substituted, namely:—

"C. Land Customs Area under the jurisdiction of the Collector of Central Excise and Land Customs, West Bengal, Calcutta.

West Dinajpur District.

1. Hilli (West) (a) The main road Leading from Hilli through the railway level crossing on the northern side of the Hilli Railway Station to Ghoraghat in East Pakistan.
(b) That portion of the road from Panchbibi to Boalder in East Pakistan which passes through Basudevpur (Dakshinpara), Hilli and Hindu Mission of Hilli (West) in Indian Union.
2. Radhikapur Railway Station (a) The Katihar-Parbatipur Railway line passing through Radhikapur.
(b) The main road leading from Kaliaganj passing to Dineajpur through Gotgaon.
3. Dangi. The main road leading from Balurghat to Chowghat in East Pakistan via Kalaibari.
4. Kukradah Road (partly metalled and partly kutcha) leading from Kukradah to Bhadreswari (Pa via Jagdol in Pakistan).
5. Moraghati (Patagorah). Unmetalled road leading from Moraghati to Ruhca Aluakhoa (Pakistan).

Malda District.

6. Singabad Railway Station The Katihar-Godagari section of the North Eastern Railway passing through Singabad.
7. Kotwaligate (Mohedipur) Road from English Bazar to Kansat under Shibganj Police Station in East Pakistan on the English Bazar Shibganj road.

Purnea District.

8. Katihar Railway Station (a) Katihar-Parbatipur Railway line.
(b) Katihar-Godagari Railway line.

Murshidabad District.

9. Lalgolaghat. The riverine routes originating from Lalgolaghat to Premtali in East Pakistan via Kanapara across the river Padma.

Nadia District.

10. Gede Railway Station The Sealdah-Gede-Poradah Railway line.
11. Tungi Majdia-Hansada (in East Pakistan) Road-passing through Tungi in Indian Union.

24-Parganas District.

12. Bongaon Railway Station The Railway line passing through Bongaon Railway Station to East Pakistan via Petrapol Railway station.
13. Petrapol Railway Station The Calcutta-Khulna Railway line passing through Petrapol.

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| 14. Petrapole Road. | The portion of Calcutta-Jessore road passing through Petrapol road to East Pakistan. |
| 15. Jalalpur. | The river route from Jalalpur to East Pakistan across the river Ichamati. |
| 16. Hasnabad. | That portion of the river Katakali which falls into the Indian Union portion of the river Ichamati and passes to Satkhira sub-division in East Pakistan. |
| 17. Hingalganj. | The river route from Hingalganj to Basantapur in East Pakistan across the river Ichamati. |
| 18. Naihati Railway Station. | (a) The Sealdah-Poradah Railway Line passing through Gede Railway Station and the Calcutta-Khulna Railway line passing through Bongaon.
(b) The Sealdah-Lalgola Railway line. |
| 19. Beharikhali. | The inland waterway from the junction of Chhagakapur Gang, Soya river and Beharikhali at lot No. 159 to Satkhira sub-division in East Pakistan across the river Raimangal. |
| 20. Ghoadanga | That portion of the main road from Itinda to Ghoadanga which passes to Satkhira via Bhomra in East Pakistan. |
| 21. Budge Budge. | (a) Budge-Budge-Sealdah-Darsana Railway line passing through Gede Railway Station.
(b) Budge-Budge-Sealdah-Khulna Railway line passing through Bongaon Railway Station.
(c) The inland waterway from Budge Budge to East Pakistan via Beharikhali. |

Howrah and Calcutta Area

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| 22. Ultadanga Railway Station | (a) The Sealdah-Poradah Railway line passing through Gede Railway Station and the Calcutta-Khulna Railway line passing through Bongaon.
(b) Sealdah-Lalgola Railway line. |
| 23. Sealdah Railway Station. | (a) The Sealdah-Poradah Railway line passing through Gede Railway Station and the Calcutta-Khulna Railway line passing through Bongaon.
(b) The Sealdah-Lalgola Railway line. |
| 24. Howrah Railway Station | (a) The Sealdah-Poradah Railway line passing through Gede Railway Station and the Calcutta-Khulna Railway line passing through Bongaon. |
| 25. Cossipore Railway Station | (a) The Sealdah-Poradah Railway line passing through Gede Railway Station and the Calcutta-Khulna Railway line passing through Bongaon.
(b) The Sealdah-Lalgola Railway line. |
| 26. Chitpur Railway Station. | (a) The Sealdah-Poradah Railway line passing through Gede Railway Station and the Calcutta-Khulna Railway line passing through Bongaon.
(b) The Sealdah-Lalgola Railway line. |
| 27. Sahebbazar Railway Station. | (a) The Sealdah-Poradah Railway line passing through Gede Railway Station and the Calcutta-Khulna Railway line passing through Bongaon.
(b) The Sealdah-Lalgola Railway line. |
| 28. Rathkola Railway Station | (a) The Sealdah-Poradah Railway line passing through Gede Railway Station and the Calcutta-Khulna Railway line passing through Bongaon.
(b) The Sealdah-Lalgola Railway line. |
| 29. Nimtola Steamer Station and Railway Station and Katgachhat. | (a) The Sealdah-Poradah Railway line passing through Gede Railway Station and the Calcutta-Khulna Railway line passing through Bongaon.
(b) The Sealdah-Lalgola Railway line.
(c) The river routes from Calcutta to East Pakistan via Beharikhali. |
| 30. Jagannathghat Steamer Station and Rajaghat. | The river routes from Calcutta to East Pakistan via Beharikhali. |

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| 31. Baghbazar Railway Station . . . | (a) The Sealdah-Poradah Railway line passing through Gede Railway Station and Calcutta-Khulna Railway line passing through Bongaon.
(b) The Sealdah-Lalgola Railway line. |
| 32. Armenian and Kulpighat Steamer Station | The river routes from Calcutta to East Pakistan via Beharikhah. |
| 33. T. T. Shed (Kidderpore). | The river routes from Calcutta to East Pakistan via Beharikhah. |
| 34. Union South Jute Mill Shed. | The river routes from Calcutta to East Pakistan via Beharikhah. |
| 35. Kantapukur Railway Station. | The Sealdah—Poradah Railway line passing through Gede Railway Station and the Calcutta-Khulna Railway line passing through Hongaon. |
| 36. Bengal River Service Godown (next to Nimtolaghat). | The river routes from Calcutta to East Pakistan via Beharikhah. |
| 37. No. 4 Calcutta Jetties. | The River routes from Calcutta to East Pakistan via Beharikhah. |
| 38. Shalimar Coal Depot. | The river routes from Calcutta to East Pakistan via Beharikhah. |
| 39. Howrah Coal Depot. | The river routes from Calcutta to East Pakistan via Beharikhah. |
| 40. Government Salt Gola, Salkia | The river routes from Calcutta to East Pakistan via Beharikhah. |
| 41. Pathuriaghat. | The river routes from Calcutta to East Pakistan via Beharikhah. |
| 42. Bandaghat and Moraporaghat. | The river routes from Calcutta to East Pakistan via Beharikhah. |
| 43. Hanuman Jute Press Ghat and Panditghat. | The river routes from Calcutta to East Pakistan via Beharikhah. |
| 44. Surinamghat. | The river route from Calcutta to East Pakistan via Beharikhah. |

Cooch Behar District.

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| 45. Gitaldah Railway Station | Gitaladah-Mogalhat Railway line. |
| 46. Gitaldah Road. | The main road leading from Gitaldah to Mogalhat in East Pakistan across the Dharia river. |
| 47. Gitaldah River | The river routes from Gitaldah to Mogalhat in East Pakistan across Dharia river and the portion of river between Gitaldah and Bhorampayasthi. |
| 48. Haldibari Railway Station | Haldibari-Chilhati Railway line. |
| 49. Chengrabandha Railway Station. | Chengrabandha-Burimari Railway line. |
| 50. Bamanhat Railway Station. | Bamanhat Sonahat Railway line. |
| 51. Bamanhat Road. | The main road leading from Bamanhat to Malarhat in Fulbari Police Station in East Pakistan via Chowdhurihat in Indian Union. |

[No. 5—F. No. 2/10/58-L.C.I.]

M. C. DAS, Secy.

COLLECTORATE OF CENTRAL EXCISE: CALCUTTA AND ORISSA

CENTRAL EXCISE

Calcutta, the 26th June 1961

S.O. 1618.—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, I hereby make the following amendments to

this Collectorate Notification No. 1/1961, dated the 4th April, 1961, namely:—

- (a) *Insert* the following in Columns 3 and 4 against the entry at Sl. No. 1 of the table annexed to the above quoted Notification—

Relevant Central Excise Rule in respect of which power is delegated (Col. 3 of Notification No. 1/61 dated 4-4-61)	Restriction, if any, (Col. 4 of Notification No. 1/61 dated 4-4-61)
96 V (2)	—
96 V (3)	—

- (b) *Insert* the following in Columns 3 & 4 against the entry at Sl. No. 2 of the table annexed to the above quoted Notification.

Relevant Central Excise Rule in respect of which power is delegated (Col. 3 of Notification No. 1/61 dated 4-4-61)	Restriction, if any, (Col. 4 of Notification No. 1/61 dated 4-4-61)
96 V (1)	Subject to the condition that the A.S.P. application should be for a period of not less than 6 consecutive calendar months.

[No. 2/1961.]

S. P. KAMPANI, Collector.

THE MYSORE CENTRAL EXCISE COLLECTORATE, BANGALORE

Bangalore, the 27th June 1961

S.O. 1619.—In exercise of the Powers vested in me under Rule 5 of the Central Excise Rules, 1944, I hereby empower the Central Excise Officers of and above the rank specified in Column 1 of the table below, to exercise within their respective jurisdiction, the powers of Collector conferred by the provisions of the Rules enumerated in Column 2, subject to the extent of authority and limitations, if any, set out in Column 3 of the table.

Rank of Officer (1)	Rule (2)	Extent of authority and/or limitations (3)
Assistant Collectors.	96 V(2)	..
	96 V(3)	..
Superintendents.	96 V(1)	..

(Issued from file C. No. IV(16)79/61 B.I.)

[No. 2.]

N. MOOKHERJEE, Collector.

CENTRAL EXCISE COLLECTORATE: DELHI**CENTRAL EXCISE***New Delhi, the 4th July 1961*

S.O. 1620.—In pursuance of Rule 5 of Central Excise Rules, 1944, I hereby empower the Central Excise officers not below the rank specified in Column (1) of the following table to exercise within their respective jurisdiction, the powers of a "Collector" conferred by the provisions of the rules enumerated in column (2) of the table, subject to the limitations set out in column (3) thereof:—

TABLE

Rank of Officer	Central Excise Rules	Limitation, if any
1	2	3
Superintendent of Central Excise	96 V (1)	To accept ASP application for the full period of six months.
Assistant Collector of Central Excise	96 V (2)	To accept ASP application for a shorter period than six months.
Assistant Collector of Central Excise	96 V (3)	To preclude the manufacturer from availing of the special procedure for a period of six months.

N.B.—The discretionary powers referred to in Rule 96X shall remain with the Collector and are not to be exercised by any officer subordinate to the Collector.

[No. 3/61.]

K. NARASIMHAN, Collector.

MINISTRY OF COMMERCE & INDUSTRY*New Delhi, the 10th July 1961*

S.O. 1621.—In pursuance of sub-rule (4) of rule 155 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that, in exercise of the powers conferred by sub-rule (1)(a) of the said rule, the Central Government has removed from the Agents' Register the name of Shri T. Bryce Aitken.

[No. 6(2)-TMP/61.]

ORDER**EXPORT TRADE CONTROL***New Delhi, the 15th July 1961*

S.O. 1622.—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order—

Under the heading "C. ARTICLES WHOLLY OR MAINLY MANUFACTURED", after entry (b) of item 15(iv), the following shall be inserted:—

- (c) Handloom fabrics of the variety commonly known as "Bleeding Madras".

[No. Export (1)/AM(49).]

M. H. SIDDIQI, Under Secy.

New Delhi, the 11th July 1961

S.O. 1623.—In exercise of the powers conferred by sub-clause (2) of Clause 1 of the Molasses Control Order, 1961, the Central Government hereby appoints the fifteenth day of July, 1961, as the date on which the provisions of the said Order shall come into force in the State of Andhra Pradesh.

[No. 34(25)/60-Chem.II.]

S. L. SINGLA, Under Secy.

ORDERS

New Delhi, the 13th June 1961

S.O. 1624/IDRA/6/15.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri F. G. T. Manezes to be a member of the Development Council established by the order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1809, dated the 18th July, 1960 for the scheduled industries engaged in the manufacture or production of Oils, Soap & Paints till the 17th July, 1962 and directs that the following amendment shall be made in the said order, namely:—

In paragraph 1 of the said Order after entry No. 13F relating to Shri P. N. Mathur, the following entry shall be inserted, namely:—

“13G. Shri F. G. T. Manezes, Deputy Director, Technical Member”
Vanaspati, Ministry of Food and Agriculture, Krishni Bhavan, New Delhi. Knowledge

[No. 4(8)IA(IV)/60.]

New Delhi, the 3rd July 1961

S.O. 1625/IDRA/6.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri S. Balakrishna to be a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. 1053/IDRA/6, dated the 6th May, 1961 for the scheduled industries engaged in the manufacture or production of Machine Tools, till the 5th May, 1963 and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order after entry No. 17A relating to Shri S. N. Chatterjee, the following entry shall be inserted:—

“17B. Shri S. Balakrishna, “technical knowledge” “Member”
Mechanical & Metallurgical
Engineer,
National Council of Applied
Economic Research,
Parisila Bhawan,
11, Indraprastha Estate,
New Delhi-1.

[No. 1(7)IA(IV)/60.]

New Delhi, the 4th July 1961

S.O. 1626/IDRA/6.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri B. N. Rama Rao to be a member of the Development Council established by the order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1053, dated the 6th May, 1961 for the scheduled industries engaged in the manufacture or production of Machine Tools till the 5th May, 1963 and directs that the following amendment shall be made in the said order, namely:—

In paragraph 1 of the said Order after entry No. 22 relating to Shri M. B. Jambhekar, the following entry shall be inserted namely:—

“23. Shri B. N. Rama Rao, “Labour” “Member”
General Secretary,
HMT Karmik Sangha,
Jalahalli P. O.,
(Bangalore).

[No. 1(7)IA(IV)/60.]

New Delhi, the 7th July 1961

S O 1627—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints the following persons to be the members of the Central Advisory Council of Industries established by the Order of the Government of India in the Ministry of Commerce & Industry No S O 1172, dated the 18th May 1961, till the 17th May 1966, and directs that the following amendments shall be made in the said Order, namely—

(a) In the said Order, for the address against entry No 2 relating to Mr N Stenhouse, the following address shall be substituted, namely,—

"2 N Stenhouse, Esq., President, Associated "Owners" "Member"
Chambers of Commerce of India, Royal
Exchange, Netaji Subhas Road, Calcutta.

(b) In the said Order, after entry No. 21 relating to Shri Bagaram Tulpule, the following entries shall be inserted, namely—

"21A, Mr Michael John M P President— "Employees" "Member"
INTUC, 17-K Road, Jamshedpur.

21B Shri S A Dange, M P, General Secre- "Employees" "Member"
tary, AITUC, 4, Ashok Road, New Delhi

(c) In the said Order for the "category" mentioned against entry No 22, relating to Lala Karam Chand Thapar, the following "category" shall be substituted namely—

"22 Lala Karam Chand Thapar, President, "Owners" "Member"
Federation of Indian Chambers of Com-
merce & Industry, Federation House,
New Delhi

(d) In the said Order for the "category" mentioned against entry No 23 relating to Pt H N Kunzru, M P, the following "category" shall be substituted, namely—

"23 Pandit Hirday Nath Kunzru, M P, 18, "Consumers" "Member"
Ferozshah Road, New Delhi

[No 1(16)IA(II)(G)/60]

S.O 1628/IDRA/6/3.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints the following persons to be the members of the Development Council established by the Order of the Government of India in the Ministry of Commerce & Industry No S O 1003/IDRA/6/3, dated the 28th April, 1961, for the scheduled industries engaged in the manufacture or production of Non-ferrous Metals including Alloys (and semi-manufacturers thereof) till the 27th April, 1963 and directs that the following amendments shall be made in the said Order, namely—

In paragraph 1 of the said Order after entry No 20 relating to Dr B R Nijhawan, the following entries shall be inserted, namely—

"20A Shri N N Kashyap Joint Secretary, "technical Member
Ministry of Steel, Mines & Fuel (Depart- knowledge"
ment of Mines & Fuel), New Delhi

"20B Shri C M Patel, Superintendent O F A, "technical Member
Ministry of Defence, Directorate General, knowledge"
Ordnance Factories, 6, Esplanade East,
Calcutta-1

[No. 1(11)IA(IV)/60]

CORRIGENDUM

New Delhi, the 7th July 1961

S.O. 1629.—In the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1003-IDRA/6/3, published in Part II—Section 3, subsection (ii) of the Gazette of India dated the 6th May, 1961, for item—

- | | | |
|---|--------------------------|--------|
| 19. Shri B. S. Krishnamachar, Assistant Director
(S & M), Indian Standards Institution,
Manak Bhavan, 9, Mathura Road, New Delhi. | “technical
knowledge” | Member |
|---|--------------------------|--------|

please read as follows:—

- | | | |
|--|--------------------------|--------|
| 19. Shri B. S. Krishnamachar, Deputy Director
(S & M), Indian Standards Institution,
Manak Bhavan, 9, Mathura Road, New Delhi. | “technical
knowledge” | Member |
|--|--------------------------|--------|

[No. 1(11)IA(IV)/60.]

J. S. BAKHSHI, Under Secy.

(Indian Standards Institution)

New Delhi, the 4th July 1961

S.O. 1630.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks, Regulations, 1955) the Indian Standards Institution hereby notifies that nine licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-311 26-6-1961.	1-7-61	30-6-62	M/s Prem Industrial Corporation, B. 10/11, Industrial Estate, Guindy, Madras-32.	Hard-Drawn Stranded Aluminium and Steel-Cored Aluminium Conductors for Overhead Power Transmission Purposes.	IS : 398-1953 Specification for Hard-Drawn Stranded Aluminium and Steel-Cored Aluminium Conductors for Overhead Power Transmission Purposes (<i>Tentative</i>).
2	CM/L-312 26-6-1961.	1-7-61	30-6-62	M/s Sonawala Industries Private Ltd., 137, Sheikh Memon Street, Bombay-2.	Sulphuric Acid, Battery, Pure and Analytical Reagent Grades.	IS : 266-1950 Specification for Sulphuric Acid.
3	CM/L-313 26-6-1961.	1-7-61	30-6-62	M/s Nahan Foundry Ltd., Nahan, Distt. Sirmur (Himachal Pradesh).	Three-Phase Induction Motors Up to 10 Horse Power.	IS : 325-1959 Specification for Three-Phase Induction Motors (<i>Revised</i>).
4	CM/L-314 26-6-1961	1-7-61	30-6-62	M/s Hyderabad Asbestos Cement Products Ltd., Sanatnagar, Hyderabad-Dn. (A.P.)	Unreinforced Corrugated & Semi-Corrugated Asbestos Cement Sheets.	IS : 459-1955 Specification for Unreinforced Corrugated Asbestos Cement Sheets.
5	CM/L-315 26-6-1961.	1-7-67	30-6-62	M/s Rohtas Industries Ltd., Dalmianagar (Bihar).	Unreinforced Corrugated & Semi-Corrugated Asbestos Cement Sheets.	IS : 459-1955 Specification for Unreinforced Corrugated Asbestos Cement Sheets.
6	CM/L-316 26-6-61	1-7-61	30-6-62	The Reliable Water Supply Service of India P. Ltd., 17, Gokhale Marg, Lucknow.	Flusing Cisterns for Water Closets and Urinals.	IS : 774-1957 Specification for Flushing Cisterns for Water Closets and Urinals.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
7	CM'L-317 26-6-1961.	1-7-61	30-6-62	M's Cable Corporation of India Limited, Laxmi Building, 6 Ballard Road, Ballard Estate, Fort, Bombay-1.	Paper-Insulated Lead-Sheathed Cables for Electricity Supply.	IS : 692-1957 Specification for Paper-Insulated Lead-Sheathed Cables for Electricity Supply.
8	CM'L-318 29-6-1961.	15-7-61	14-7-62	M/s. N.G.K. Electrical Industries, Gupta Mills Estate, Reay Road, Darukhana, Bombay-10.	Three-Phase Induction Motors Up to 5 Horse Power.	IS : 325-1959 Specification for Three-Phase Induction Motors (<i>Revised</i>).
9	CM'L-319 29-6-1961.	15-7-61	14-7-62	M's. Hind Timber Industries, Yamunanagar, Distt. Ambala (Punjab).	Plywood Tea-Chest Battens	IS : 10-1953 Specification for Plywood Tea-Chests (<i>Revised</i>).

[No. MD/12:551]

S. O. 1631.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that fifteen licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

SL No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article covered by the licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-88 22-5-1958	2-6-61	1-6-62	The Hindustan Electric Co. Ltd., Industrial Area, New Township, Faridabad. (Punjab).	Aluminium Conductor Steel Reinforced and All Aluminium Conductors.	IS : 398-1953 Specification for Hard-Drawn Stranded Aluminium and Steel Cored Aluminium Conductors for Overhead Power Transmission Purposes (<i>Tentative</i>).
2	CM/L-89 22-5-1958.	2-6-61	1-6-62	M/s. Estrela Batteries Limited, Plot No. 1, Dharavi, Matunga, Bombay-19.	Leclanche Type Dry Batteries for Flash Lights.	IS : 203-1958 Specification for Leclanche Type Dry Batteries for Flash Lights (<i>Revised</i>).
3	CM/L-90 20-6-1958.	1-7-61	30-6-62	The National Screw and Wire Products Limited, Stephen House, 4 Dalhousie Square, East, Calcutta.	Hard-Drawn Copper Solid and Stranded Circular Conductors for Overhead Power Transmission Purposes.	IS : 282-1951 Specification for Hard-Drawn Copper Solid and Stranded Circular Conductors for Overhead Power Transmission purposes.
4	CM/L-117 30-2-1959.	1-7-61	30-6-62	M/s. Metallica Works Private Ltd., 11, Worli Road, Bombay-18.	Antifriction Bearing Alloys	IS : 25-1950 Specification for Antifriction Bearing alloys.
5	CM/L-125 29-5-1959.	16-6-61	15-6-62	M/s. Model Soap Company, 55, Canning Street, Mehta Bldg., Block 'E', Calcutta.	Toilet Soap.	IS : 284-1951 Specification for Toilet Soap.
6	CM/L-126 29-5-1959.	16-6-61	15-6-62	M/s. Power Cables Private Ltd., Vithalwadi (Opp. Vithalwadi Rly. Stn.) Post Box No. 24, Kalyan.	Hard-Drawn Stranded Aluminium and Steel-Cored Aluminium Conductors for Overhead Power Transmission Purposes.	IS : 398-1953 Specification for Hard-Drawn Stranded Aluminium and Steel-Cored Aluminium Conductors for Overhead Power Transmission Purposes.
7	CM/L-129 23-6-1959.	1-7-61	30-6-64	The Alkali & Chemical Corporation of India Ltd., 34, Chowringhee, Calcutta-16.	BHC Emulsifiable Concentrates	IS : 632-1958 Specification for BHC Emulsifiable Concentrate (<i>Revised</i>).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
8	CM/L-131 24-6-1959.	1-7-61	30-6-62	M/s. East India Distilleries and Sugar Factories Limited, Dare House, Madras-1.	BHC Dusting Powders	IS : 561-1958 Specification for BHC Dusting Powders (<i>Revised</i>).
9	CM/L-132 24-6-1959.	1-7-61	30-6-62	Do.	DDT Dusting Powders.	IS : 564-1955 Specification for DDT Dusting Powders.
10	CM/L-169 22-2-1960.	15-7-61	14-7-62	The Mysore Insecticides Company, 31-A, North Beach Road, Madras.	BHC Dusting Powders.	IS : 561-1958 Specification for BHC Dusting Powders (<i>Revised</i>).
11	CM/L-194 30-5-1960.	15-6-61	14-6-62	M/s. Enco Plywood & Saw mill Industries, Siliguri, P.O. Siliguri, Distt. Darjeeling.	Commercial (Common) and Moisture-Proof Plywood.	IS : 303-1960 Specification for Plywood for General Purposes (<i>Revised</i>).
12	CM L-195 30-5-1960.	15-6-61	14-6-62	M s. Western India Plywoods Ltd., Baliapatam, Cannanore Distt., Kerala State.	Commercial (Common) and Moisture-Proof Plywood.	IS : 303-1960 Specification for Plywood for General Purposes (<i>Revised</i>).
13	CM/L-197 30-5-1960.	1-7-61	30-6-62	M/s. Kwality Waterproof Manufacturing Co., Chawri Bazar, Delhi.	Waterproof Packing Paper Made from 60 g Kraft Paper.	IS : 293-1951 Code for Seaworthy Packaging of Cotton Textiles.
14	CM/L-198 14-6-1960.	16-6-61	15-6-62	M/s. Bando Plywood Works, 226, Lower Circular Road, Calcutta-20.	Tea-Chest Plywood Panels.	IS : 10-1953 Specification for Plywood Tea-Chests (<i>Revised</i>).
15	CM/L-203 15-6-1960.	1-7-61	30-6-62	M/s. Mahalakshmi Glass Works Private Ltd., Haines Road (West), Jacob Circle, Bombay-11.	Aerated Water Glass Bottles.	IS : 1107-1957 Specification for Aerated Water Glass Bottles.

[No. MD/12 : 195 .]

A. N. GHOSH,
Director.

(Indian Standards Institution)

New Delhi, the 15th July 1961

S. O. 1632.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified.	No. & date of the Amendment	Brief particulars of the Amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1	IS : 436-1953 Methods of Sampling of Coal and Coke (Tentative).	S.R.O. 658 dated 26th March 1955.	No. 2 dated May 1961	In clause 0.9 please delete "IS : 438 Methods of Test for Coal and Coke" along with the footnote "*Under preparation", and substitute the following : "IS : 1350—1959 Methods of Test for Coal and Coke—Proximate Analysis, Total Sulphur and Calorific Value. IS : 1351—1959 Methods of Test for Coal and Coke—Ultimate Analysis. IS : 1352—1959 Methods of Test for Coal and Coke—Special Impurities. IS : 1353—1959 Methods of Test for Coal Carbonization—Caking Index, Swelling Properties and Gray-King Assay (L. T.) Coke Types. IS : 1354—1959 Methods of Test for Coke—Special Tests. IS : 1355—1959 Methods of Test for Ash of Coal and Coke.	15th July 1961

(1)	(2)	(3)	(4)	(5)	(6)
2	IS : 437—1956 Size Grading of Coal and Coke for Marketing (<i>Revised</i>)	S.R.O. 658 dated 26th March 1955.	No. 1 May 1961	<p>In clause 0.9 please delete '*IS : 438 15th July 1961 Methods of Test for Coal and Coke' along with the footnote '*Under preparation', and substitute the following :</p> <p>'IS : 1350—1959 Methods of Test for Coal and Coke—Proximate Analysis, Total Sulphur and Calorific Value.</p> <p>IS : 1351—1959 Methods of Test for Coal and Coke—Ultimate Analysis.</p> <p>IS : 1352—1959 Methods of Test for Coal and Coke—Special Impurities.</p> <p>IS : 1353—1959 Methods of Test for Coal Carbonization—Caking Index, Swelling Properties and Gray-King Assay (L.T.) Coke Types.</p> <p>IS : 1354—1959 Methods of Test for Coke—Special Tests.</p> <p>IS : 1355—1959 Methods of Test for Ash of Coal and Coke'.</p>	
3	IS : 439—1953 Specification for Hard Coke (<i>Tentative</i>).	S.R.O. 658 dated 26th March 1955.	No. 1 June, 1961	<p>(i) the existing clause 0.6 has been substituted by a new clause.</p> <p>(ii) in clause 2.1, '*IS : 438 Methods of Test for Coal and Coke', along with the footnote '*Under Preparation', has been deleted and substituted by 'IS : 1350—1959'.</p> <p>(iii) The existing clause 5.3 has been deleted and substituted by a new clause.</p> <p>(iv) The existing Table I has been deleted and substituted by a new Table.</p> <p>(v) Sub-clause 5.3.1 and clause 5.4 have been deleted.</p>	

- 4 IS : 557-1954 Specification for Sodium Acetate, Technical and Photographic. S.R.O. 682 dated 2nd April 1955. No. 2 June 1961
- 5 IS : 1011-1957 Specification for Biscuits (Excluding wafer Biscuits). S.O. 410 dated 5th April 1958. No. 1 June 1961.
- 6 IS : 1407-1959 Specification for Round Paint Tins. S.O. 613 dated 12th March 1960. No. 1 May 1961

(vi) The existing clause 6.1 has been deleted and substituted by a new clause.

- (i) A new item as Sl. VIII has been added in Table I after Sl. No. vii. 15th July 1961
- (ii) In clause A-3.1, line 8, please delete '1½ lb (or 0.7 kg)' and substitute '750 g'.
- (iii) In clause A-3.2, line 2, please delete '6 oz (or 165g)' and substitute '150g'.
- (iv) A new clause 'B-7. TEST FOR BICARBONATES' has been added in Appendix B after sub-clause B-6.3.1.
- (i) In Table I, col 3, Sl. No. (f) please delete '5.0' and substitute '6.0' 1st July 1961
- (ii) In clause 7.2(a) Sl. No. (d) 'Average net weight' has been substituted for 'Net Weight'.
- (iii) The existing note under Clause 7.2(b) has been added and substituted by a new note.
- (i) The entries giving the capacity and dimensions have been deleted and substituted by the following : 15th July 1961

Nominal capacity	Nominal Over-seam diameter	Internal Diameter	Over-seam Height (for reference only)	Calculated Gross Capacity	
				Min.	Max.
	A mm	D mm	H mm		
41	178	175	197	4250	4400

- (ii) In Table II, first row in column 1, please substitute '4 1' for '5 1'

(1)	(2)	(3)	(4)	(5)	(6)
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(iii) In clause 6·4, line 2, please substitute '4-litre' for '5-litre.'

(iv) In Table III, column 3, please substitute '4 r' for '5 r'.

Copies of these Amendment slips are available, free of cost, with the Indian Standard Institution, "Manak Bhavan", 9 Mathura, Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhoy Naoroji Road, Fort, Bombay-1, (ii) Third Floor 11 Sooterkin Street, Calcuta-13, and (iii) 2/21 First Line Beach, Madras-1.

[No. MD/13 :5]

S. O. 1633—In pursuance of sub-regulation (2) and (3) of regulation 3 of the Indian Standard Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 16th June 1961 to 30th June 1961.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS : 248-1961 Specification for Sodium Bisulphite (<i>Sodium Metabisulphite</i>).	IS : 248-1950 Specification for Sodium Bisulphite (<i>Sodium Metabisulphite</i>) (<i>Tentative</i>).	This standard prescribes the requirements and the methods of test for Sodium Bisulphite (Sodium Metabisulphite) of the Technical and Photographic Grades. This Standard, which was published as a tentative standard in 1951, is now being issued as firm Indian Standard, with consequential change given below: <i>Delete</i> the word "Tentative" from first line of the first para in foreword. <i>Delete</i> the entire Third para given in foreword. (Price Rs. 1.50).
2	IS : 599-1960 Specification for Twist Drills (<i>Revised</i>).	IS : 599-1954 Specification for Twist Drills (<i>Tentative</i>).	This standard covers the requirements for parallel and taper shank twist drills for general engineering use (Price Rs. 6.00).
3	IS : 722 (Part IV)-1961 Specification for AC Electricity Meters.	..	This standard (Part IV) applies to whole-current and transformers-operated kilowatt-hour meters for unbalanced load, for use in 3-phase 3-wire and 3-phase 4-wire networks and provided with maximum demand indicator. (Price Rs. 4.50).
4	IS : 1040-1960 Specification for Calcium Carbide, Technical (<i>Revised</i>).	IS : 1040-1957 Specification for Calcium Carbide, Technical.	This standard prescribes the requirements and the methods of test for calcium carbide, technical, in graded sizes. (Price Rs. 5.00).
5	IS : 1647-1960 Code of Practice for Fire Safety of Buildings (General): Non-Electric Lighting Equipment, Oil and Gas Heaters and Burners of small capacity.	..	This standard covers fire safety requirements in respect of electric lighting equipment, such as hurricane lanterns and pressure lamps using oil or alcohol vapour. It also lays down fire safety requirements for certain domestic heating equipment, such as oil or gas fired heaters, cookers and boilers of the average domestic size and prescribes certain fire safety precautions in respect of open or exposed flame appurtenances that may be met within buildings. (Price Rs. 2.50.)

(1)	(2)	(3)	(4)
6	IS:1651-1960 Specification for Stationary Cells and Batteries, Lead-Acid Type (With Tubular Positive Plates).	IS:541-1954 Specification for Stationary Accumulators, Lead-Acid Type (<i>Tentative</i>)	This standard covers overall dimensions, capacities and performance requirements of stationary cells and batteries using tubular positive plates. The cells and batteries covered by this standard shall be in hard rubber, glass or plastic containers, with lids. (Price Rs. 3.50).
7	IS:1652-1960 Specification for Stationary Cells and Batteries, Lead-Acid Type (With Plante Positive Plates).	IS:541-1954 Specification for Stationary Accumulators, Lead-Acid Type (<i>Tentative</i>)	This standard specifies the dimensions, capacities and performance requirements of stationary cells and batteries using positive plates of pure lead of Plante Type construction, as well as those of plates of such cells and batteries. The cells covered by this standard shall be either sealed-in-type in glass containers, or open type in glass or lead-lined wooden containers. (Price Rs. 4.00).
8	IS:1658-1960 Specification for Fibre Hardboards.	..	This standard covers the classification and essential requirements of fibre hardboards for general purposes. This standard does not cover the requirements of insulation boards, wood particle boards (chip boards), and similar boards (Price Rs. 2.50).
9	IS:1759-1961 Specification for Powrahs.	..	This standard covers requirements for the ten types of Powrahs, in hardened or unhardened condition, intended for general use. It also covers the handles for use with powrahs. (Price Rs. 4.50).
10	IS:1764-1961 Specification for Trough Compass.	..	This standard covers the requirements for 125-mm trough compass used in conjunction with plane tables. (Price Re. 1.00).
11	IS:1765-1961 Specification for DC Potentiometers for Laboratory and Industrial uses.	.	This standard covers the general requirements and tests for three grades of DC potentiometers for use in laboratories or industrial establishments carrying out scientific or industrial research and/or measurements. (Price Rs. 1.50).

Copies of these Indian Standards are available, for sale with the Indian Standards Institution, 'Manak Bhawan', 9 Mathura Road, New Delhi-1, and also at its branch offices at (i) 232, Dr. Dadabhai Naoroji Road, Bombay, (ii) Third Floor 11, Sooterkin Street, Calcutta-13, and (iii) 2/21, First Line Beach, Madras-1.

[No. MD/13 : 2.]

New Delhi, the 6th July, 1961

S. O. 1634—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

THE SCHEDULE

Sl. No.	No. and Title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)	(4)
1	IS: 1359-1959 Specification for Electro-Tin Plating.	S.O. 485, dated 27th February 1960.	At Page 3, in clause 7.2, please read the following after the word 'Thereof' : “ , of only such articles as are electroplated at one time in the same bath.”
2	IS: 1536-1960 Specification for Centrifugally Cast (Spun) Iron Pressure Pipes for Water, Gas and Sewage.	S.O. 100, dated 14th January 1961	At Page 7, in Table III, against 'Nominal Diameter 450 mm' (a) Under col 'Socket' 'g' please read '33.5' for '33' (b) Under col 'Joint Thickness, f' please read '10.5' for '10'.
3	IS: 1573-1960 Specification for Zinc Plating.	S.O. 224, dated 28th January 1961.	The existing sub-clause 6.2.1.2 at p. 4 has been deleted and substituted by the following: '6.2.1.2 Thickness of the deposit shall be determined by the microscopic method on a polished section which shall be mounted on a hard plastic base and coated with metal to prevent flaring of edges during polishing.'
4	IS: 1598-1960 Method for Izod Impact Test for Steel.	S.O. 224, dated 28th January 1961.	In the caption of Fig. 2 at page 3, please read 'Three-Notch' for 'Two-Notch'. In the caption of Fig. 3 at page 3, please read 'Two-Notch' for 'Three-Notch'.
5	IS: 1679-1960 Specification for Sugar used in Food Preservation Industry.	S.O. 814, dated 15th April 1961.	In formulae in clauses D-5.1, D-5.2 and D-5.3 at page 7, please read '1000' for '100'.
6	IS: 1685-1960 Specification for Whiting for Rubber Industry.	S.O. 570, dated 18th March 1961.	In Table I, col 2, against Sl No. (iii)—please delete 'Max'. In Table III, col 7, against Sl No. (ii),

please read ' $\bar{X}_3 + 0.6R_3 \leq 45$ ' for ' $\bar{X}_3 + 0.6R_3 \leq 45.05$
' $\bar{X}_3 - 0.6R_3 \geq 42$ ' for ' $\bar{X}_3 \pm 0.6R_3 \geq 42.005$ '.

Copies of these Errata slip are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan', 9 Mathura Road, New Delhi-1, and also at its branch offices at (i) 232, Dr. Dadabhai Naoroji Road, Bombay, (ii) Third Floor, 11, Sooterkin Street, Calcutta 13, and (iii) 2/21, First Line Beach, Madras 1.

[No. MD/13:6]

New Delhi, the 7th July 1961

S. O. 1635.—In pursuance of the provisions of sub-rule (2) of rule 3 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Indian Standards given in the Schedule hereto annexed have been established during the quarter ending 30th June 1961.

THE SCHEDULE

Sl. No.	No. of Indian Standard	Title of Indian Standard
1	IS : 248—1961	Specification for Sodium Bisulphite (<i>Sodium Metabisulphite</i>)
2	IS : 405—1961	Specification for Lead Sheet (<i>Revised</i>)
3	IS : 599—1960	Specification for Twist Drills (<i>Revised</i>)
4	IS : 722 (Part IV)—1961	Specification for AC Electricity Meters.
5	IS : 938—1960	Specification for 1800-1/min (or 400-gal/min) Small Fire Engine.
6	IS : 939—1960	Specification for Snatch Block for Use with Fibre Rope for Fire Brigade Use.
7	IS : 1040—1960	Specification for Calcium Carbide, Technical, (<i>Revised</i>)
8	IS : 1364—1960	Specification for Precision, and Turned Hexagonal Bolts (6 to 39 mm) with Nuts and Hexagonal screws (6 to 39 mm)
9	IS : 1518—1960	Method for Gauging of Petroleum and Liquid Petroleum Products.
10	IS : 1538—1960	Specification for Cast Iron Fittings for Pressure Pipes for Water, Gas and Sewage.
11	IS : 1554 (Part I)—1961	Specification for PVC Insulated (Heavy Duty) Electric Cables.
12	IS : 1603—1960	Specification for Performance of Variable Speed Internal Combustion Engines for Automotive Purposes.
13	IS : 1612—1960	Specification for Iron Powder (Reduction Grade)
14	IS : 1647—1960	Code of Practice for Fire Safety of Buildings (General) : Non-Electric Lighting Equipment, Oil and Gas Heaters and Burners of small capacity.
15	IS : 1651—1960	Specification for Stationary Cells and Batteries, Lead-Acid Type (With Tubular Positive Plates)
16	IS : 1652—1960	Specification for Stationary Cells and Batteries, Lead-Acid Type (With Plante Positive Plates).
17	IS : 1658—1960	Specification for Fibre Hardboards.
18	IS : 1659—1960	Specification for Blockboards.
19	IS : 1667—1960	Specification for Toffees.
20	IS : 1693—1960	Specification for Door Mats-Rod.
21	IS : 1704—1960	Specification for Black Japan for Hot Surfaces.
22	IS : 1705—1960	Specification for Aluminium Foil for Milk Bottle Caps.
23	IS : 1707—1960	Specification for Wood Wool for General Packaging Purposes.
24	IS : 1718—1960	Specification for Cotton Spindle Tape (For Cotton Textile Mills).
25	IS : 1724—1960	Methods of Specifying and Testing Varnished and Enamelled Ring Rabbeth Bobbins for Cotton Mills.
26	IS : 1725—1960	Specification for Soil-cement Blocks Used in General Building Construction.

Sl. No.	No. of Indian Standard	Title of Indian Standard
27	IS : 1728—1960	Specification for Sheet Metal Rain-Water Pipes Up to 100 mm Nominal Size, Gutters, Fittings and Accessories.
28	IS : 1734—1960	Methods of Test for Plywood.
29	IS : 1735—1960	Specification for Hive Stands.
30	IS : 1736—1960	Specification for Honey Extractor, Tangential Type.
31	IS : 1737—1960	Specification for Small Size Spring Buffers for Cotton Looms.
32	IS : 1738—1960	Specification for Large Size Spring Buffers for Cotton.
33	IS : 1739—1960	Specification for Cotton Healds for Use in Cotton Looms.
34	IS : 1740—1960	Specification for Flat Cotton Wicks for Hurricane Lanterns and Lamps.
35	IS : 1744—1960	Specification for Stannic Chloride, Anhydrous, Technical.
36	IS : 1746—1960	Specification for Shoe Polish.
37	IS : 1747—1960	Specification for Nitrogen, Technical.
38	IS : 1759—1961	Specification for Powrahs.
39	IS : 1764—1961	Specification for Trough Compass.
40	IS : 1765—1961	Specification for DC Potentiometers for Laboratory and Industrial Uses.

[No. MD/13:3]

C. N. MODAWAL,
Deputy Director (Marks).**MINISTRY OF FOOD & AGRICULTURE**

(Department of Agriculture)

New Delhi, the 5th July 1961

S.O. 1636.—In exercise of the powers conferred by sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following amendment shall be made in the Schedule to the notification of Government of India in the Ministry of Agriculture No. SRO 634-A, dated 28th February, 1957, namely:—

In Part I of the said Schedule, under each of the headings "Central Potato Research Institute, Simla" and "Central Rice Research Institute, Cuttack", for the entry in column 5 against "All Posts" in column 1, the entry "Deputy Secretary incharge of the administration of the Institute" shall respectively be substituted.

[No. 15-18/60-Instt. II.]

R. M. L. VAISH, Under Secy.

(Department of Agriculture)

New Delhi, the 7th July 1961

S.O. 1637.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Andamans Forest Department (Class III and Class IV posts) Recruitment Rules, 1959, published with the notification of the Government of India in the Ministry

of Food and Agriculture (Department of Agriculture) No. S.O. 2626 dated the 19th November, 1959, namely:—

1. These rules may be called the Andamans Forest Department (Class III and IV posts) Recruitment (Second Amendment) Rules, 1961.

2. In the Schedule headed Class III (Non-Ministerial) and Class IV posts appended to the Andamans Forest Department (Class III and Class IV posts) Recruitment Rules, 1959, against serial No. 9, for the existing entry in column 2 the entry 'Marine Foreman' shall be substituted.

[No. F. 6-15/58-FII.]

K. A. ANSARI, Under Secy.

(Department of Agriculture)

CORRIGENDUM.

New Delhi, the 10th July 1961

S.O. 1638.—In S.O. 1408 dated the 17th June, 1961:

- (i) in column (4), under "Tariff Value" add 'Rs.¹; and
- (ii) in column (3), below "13 pulses", against the entries "Dal (split) all kinds" and "pulses (whole) all kinds", for "," (i.e. Metric Ton), substitute the word "Quintal".

[No. F. 4-1/61-C(E).]

N. RANGANATHAN, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 10th July 1961

S.O. 1639.—In exercise of the powers conferred by sub-section 4(viii) of section 4 of the Indian Lac Cess Act, 1930 (24 of 1930), as amended from time to time, the Central Government is pleased to nominate Shri Chandrika Prasad Ojha, Village and Post Office Wyndhamgunj, Distt. Mirzapur on the Governing Body of the Indian Lac Cess Committee to represent the cultivators of lac in States [other than those referred to in clause (vii)] in which lac is cultivated, for a period of three years.

[No. 3-73/60-Com.III.]

SANTOKH SINGH, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 6th July 1961

S.O. 1640.—The Orissa State Pharmacy Council having elected, in exercise of the powers conferred by clause (g) of Section 3 of the Pharmacy Act, 1948 (8 of 1948), Shri Jaganath Das, Pharmacist, District Health Officer's Office, Behrampur, District Ganjam, as a member representing the State of Orissa in the Pharmacy Council of India, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health No. F. 7-23/59-D, dated the 21st December, 1959, namely:—

In the said notification, under the heading "V. Elected by the State Pharmacy Councils under clause (g)", after entry "11", the following entry shall be inserted, namely:—

- "12. Shri Jaganath Das, Pharmacist, District Health Officer's Office, Behrampur, District Ganjam".

[No. F. 7-23/59-D.]

BASHESHAR NATH, Under Secy.

New Delhi, the 6th July 1961

S.O. 1641.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendment in the First Schedule to the Act, namely:—

In the said Schedule, after the entries relating to the University of East Punjab, the following entry shall be inserted, namely:—

“Punjab University	Bachelor of Medicine and Bachelor of Surgery	M.B.B.S. (Punjab)”
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[No. F. 17-21/61-MI.]

S.O. 1642.—In exercise of the powers conferred by sub-section (5) of section 13 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendment in the Third Schedule to the said Act, namely:—

In Part I of the said Schedule:—

- (i) in the entries relating to the ‘State Medical Faculty of Bengal’, in columns 2 and 3, the entries “Licentiate in Medicine and Surgery (Nat.) (West Bengal)...L.M. & S (Nat.) (West Bengal)” shall be omitted.
- (ii) in the entries relating to the ‘State Medical Faculty of West Bengal’, in column 3 for the entry “L.M. & S. (Nat.) West Bengal”, the entry “L.M.S. (Nat.) (West Bengal)” shall be substituted.

[No. F. 17-13/61-MI.]

New Delhi, the 10th July 1961

S.O. 1643.—In exercise of the powers conferred by sub-section (5) of section 13 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendment in the Third Schedule to said Act, namely:—

In Part I of the said Schedule, after the entries relating to the East Punjab State Medical Faculty, the following entry shall be inserted, namely:—

“State Medical Faculty of Punjab.	Licentiate in Medicine and Surgery.	L.M.S. (Punjab)” This qualification shall be a recognised one only when granted to a person other than any person referred to in the entry relating to State Medical Faculty of Punjab in the First Schedule provided he had passed the pre-medical examination.
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[No. F. 17-20/61-MI.]

S.O. 1644.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendment in the First Schedule to the said Act, namely:—

In the said Schedule, after the entries relating to the East Punjab State Medical Faculty, the following entry shall be inserted, namely:—

“State Medical Faculty of Punjab	Licentiate in Medicine and Surgery	L.M.S. (Punjab)” This qualification shall be a recognised one provided the holders thereof had passed the F.Sc. examination before taking up medical studies.
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[No. F. 17-20/61-MI.]

ORDER

New Delhi, the 10th July, 1961

S.O. 1645.—With reference to the notification of the Government of India, Ministry of Health No. 17-2/60-MI, dated the 22nd April, 1960, according to the recognition to the Medical qualification M.D. (Pennsylvania—U.S.A.) for the purposes of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, in exercise of the powers conferred by the proviso to sub-section (1) of section 14, directs that the medical practice by Dr. Mabell Sarmons Hayes, possessing the said qualification, shall be limited to the institution of 'Christian Medical College, Ludhiana', for a period of two years with effect from the date of this order or so long as Dr. Mabell Sammons Hayes continues to work in the said institution for purposes of teaching, research or charitable work, whichever is shorter.

[No. F. 18-24/60-MI.]

A. C. RAY, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Transport)

(Transport Wing)

PORTS.

New Delhi, the 6th July 1961

S.O. 1646.—In pursuance of Sub-Section (2) of section 6 of the Calcutta Port Act, 1890 (Bengal Act III of 1890) it is hereby notified that in accordance with the provisions of section 16 of the said Act, Mr. J. W. Anson of M/s Mackinnon Mackenzie & Co. Private Limited, Calcutta, has been elected by the Bengal Chamber of Commerce & Industry, Calcutta, to be a commissioner for the Port of Calcutta vice Shri M. R. Das resigned.

[No. 9-PG(21)/61.]

K. NARAYANAN, Dy. Secy.

(Departments of Communications & Civil Aviation)

New Delhi, the 4th July 1961

S.O. 1647.—In exercise of the powers conferred by rule 53 of Part IX of the Indian Aircraft Rules, 1920, as continued in force by the notification of the Government of India in the late Department of Industries and Labour, No. V-26, dated the 23rd March, 1937 and in supersession of the Notification of the Government of India in the late Ministry of Communications No. 10-A/76-50, dated the 21st September, 1953, the Central Government hereby

- (a) declares the aerodrome at Amritsar (Rajasansi) to be a Customs Aerodrome; and
- (b) appoints the Collector of Central Excise, Delhi as the Chief Customs Officer, and the Assistant Collector of Land Customs, Amritsar, the Superintendent (Administration), Amritsar, the Superintendent (Appraisalment), Amritsar and the Superintendent (Preventive and Intelligence), Amritsar as the Customs Collectors for the purposes of the said Rules at the said Customs Aerodrome.

[No. 10-A/33-61.]

S.O. 1648.—In exercise of the powers conferred by rule 53 of Part IX of the Indian Aircraft Rules, 1920, as continued in force by the notification of the Government of India in the late Department of Industries and Labour, No. V-26, dated the 23rd March, 1937 and in supersession of the Notification of the Government of India in the late Ministry of Communications No. 10-A/76-50, dated the 19th December, 1952, the Central Government hereby

- (a) declares the aerodrome at Jodhpur to be a customs aerodrome; and
- (b) appoints the Collector of Central Excise, Delhi as the Chief Customs Officer, and the Deputy Collector of Central Excise and Land Customs, Jaipur, the Assistant Collector, Customs (Preventive),

Jodhpur, the Superintendent (Preventive), Jodhpur, and the Superintendent (Intelligence), Jodhpur, as the Customs Collectors for the purposes of the said Rules at the said Customs Aerodrome.

[No. 10-A/33-61.]

S. N. KAUL, Under Secy.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 10th July 1961

S.O. 1649.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed, in the Union territory of Delhi for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the said Schedule.

THE SCHEDULE

Sl. No.	Particulars of property. Khewat No.	Khasra No.	Area		Name of the evacuee with the right in the property.	Remarks
			Big.	Bis.		
VILLAGE JATKHORE						
1.	65 etc./104 etc.	48/5	0	18	Sunchra s/o Bale 12 shares.	Fateh
		40/20	4	12	Uddin, Bashir, Hukmi, Rup Chand	
		18/23	2	5	ss/o Sultan, equal share 12 shares,	
		20/25/2	2	8	Smt. Surti wd/o Ali Sher. Smt.	
		21/5	5	18	Khazana wd/o Ibrahim equal to	
		21/6	1	6	share 24 shares, Risalu Nizam	
		22/3/2	2	8	ss/o Munshi equal share 16 shares	
		38/7	2	16	Jumma alias Mansaf Ali s/o Ranjit	
		39/8/1	0	16	24 shares, Noor Bux, Noor Bohd	
		47/25/2	1	15	ss/o Manful equal shares 96 shares,	
TOTAL		10	No. 25	2	Meher Uddin, s/o Saudager 4 shares. Hira s/o Badlu 12 shares, Bali, Shera ss/o Bhuru equal shares, 144 shares mortgagors, Mst. Surti wd/o Ali Mohd. Mst. Khazana wd/o Ibrahim equal share mort- gage. Total 344 shares.	

[No. 1(5)/Lands/61.]

H. S. NAIR, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 6th July 1961

S.O. 1650.—In exercise of the powers conferred by sub-section (1) of section 83 of the Mines Act, 1952 (35 of 1952), the Central Government hereby exempts the persons employed in drilling and pumping operations in Neyvelli Lignite mines from the operation of sub-section (2) of section 30 of the said Act in so far as it provides that an adult employed above ground in a mine shall not work for more than five hours continuously before he has had an interval for rest of at least half an hour.

[No. 6/7/61-MI.]

S.O. 1651.—In pursuance of sub-regulation (3) of regulation 25 of the Coal Mines Regulations, 1957, the Central Government, on the recommendation of the Court of Inquiry appointed by the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1881, dated the 26th July, 1960, hereby suspends the Manager's First Class Certificate of competency (Indian endorsement No. 511 on First Class Certificate of Competency No. 5905) held by Shri D. M. Tembhekar, C/o Damua mine owned by the Kanhan Valley Coal Company Limited, P.O. Damua Colliery, District Chhindwara, Madhya Pradesh, for a period of three years with effect from the date of issue of this notification.

[No. 2/3/61-MI.]

B. R. KHANNA, Under Secy.

New Delhi, the 7th July 1961

S.O. 1652.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator in the industrial dispute between the Calcutta Port Commissioners and their workmen.

AWARD

PRESENT:

Shri M. N. Gan—*Arbitrator*

In the matter of an Industrial Dispute between the Commissioners for the Port of Calcutta and their workmen represented by the Calcutta Port Shramik Union.

Representing employers—

Shri G. V. Karleker, Chief Labour Officer with Shri K. N. Ganguly, Officiating Deputy Secretary.

Representing employees—

Shri Makhan Lal Chatterjee, General Secretary with Shri Sunil Das Gupta, Joint Secretary.

The present dispute, with the following three issues, for settlement, was referred to my arbitration, by an arbitration agreement dated the 24th December 1960, between the Commissioners for the Port of Calcutta and their workmen represented by the Calcutta Port Shramik Union, published in the Gazette of India, dated the 30th December 1960, under the provisions of Section 10A of the Industrial Disputes Act. The three issues are:—

- (A) Grant of rent-free quarters to Telephone Clerks/Operators of Remount Road and Dock Hospitals.
- (B) Payment of bonus to the temporary Class III and Class IV employees recruited during the War and confirmed afterwards.
- (C) Payment to workshop staff for additional hours of work alleged to have been performed in excess of normal hours in the night shift during the period 1st March, 1954 to 31st March 1958.

The parties filed written statements of their respective cases and counter statement, adduced evidence, oral and documentary and advanced arguments before me. The hearing of the case took place in the Board Room of the Port Commissioners' Head Office.

I have carefully considered the issues and my award on them is as follows:—
Issue 'A'.

The Calcutta Port Shramik Union for the employees, hereinafter referred to as the Union, demands the grant of rent-free quarters to the Telephone Clerks/Operators of the Remount Road and Dock Hospitals. The demands are based on the following grounds:—

- (i) The services of these employees who are employed in the Hospitals, are essential for the proper maintenance of Hospital services,
- (ii) Their presence at or near the place of work is necessary in public interest and in the interest of hospital patients,

- (iii) They are occasionally required to perform double duties, without rest or interval, particularly during dislocation of traffic, on strike days and on emergencies etc.,
- (iv) The Medical Officers and some non-medical staff employed in the same hospitals at present get rent-free quarter on account of their work.
- (v) Class III employees who are eligible for rent-free quarters get house allowance at 20 per cent of their pay in lieu of the quarters.
- (vi) Equal treatment should be meted out to all in equal circumstances.

The Commissioners for the Port of Calcutta, hereinafter referred to as the Commissioners contested this demand and denied the claim mainly on the ground that these employees are not part of the essential service staff and are not required to perform any emergency work like the Medical Officers and are paid sufficient compensation in the form of overtime, according to rules, whenever they are required to perform shift duties or any duty beyond normal hours. These employees are in any event not entitled to rent free quarters according to principles laid down in the Second Pay Commission's Report.

The number of employees involved is Ten. The financial implications of this demand are of an uncertain amount. There are six operators in the Dock Hospital. They are employed in shift duties. The work is done in three shifts of eight hours each. Two are employed in the morning and two in the evening shifts. Only one of them is employed in the night shift and the other one is employed on off day duty. There are four operators in the Remount Road Hospital, three of them are employed in three shifts, i.e., one in each shift of eight hours. One does off day duty for three days and work for three days in the office. One of these Operators is a Matriculate. These Telephone Operators/Clerks get a time scale of pay as L.D. Clerk (Ordinary) in the grade of Rs. 60—3—90—4—130—135. All Class IV employees get rent free quarters. It has transpired in evidence that even all the Medical Staff do not at present get rent free quarters. The Commissioners have introduced a system of external service for the benefit of their employees—an unique system not in existence in any other Calcutta Hospital. The external service is maintained by the Dock Hospital and not by the Remount Road Hospital. So far as is known, Telephone Operators in any other Hospital do not enjoy rent free quarters. No other Telephone Clerk or Operator gets rent free quarters even in the service of the Commissioners. As is stated above, the Commissioners denied the liability to grant these employees rent-free quarters or any house allowance at the increased rate in lieu thereof.

At present these employees get time scales of pay as L.D. Clerk as mentioned above. In addition to that, they get a Dearness Allowance of Rs. 55, Compensatory Allowance of Rs. 12.50 nP. and House Allowance of Rs. 15 in the first year of service. D.A., C.A. and H.A. are now liable to enhancement up to Rs. 60, Rs. 15 and Rs. 20 respectively.

The question is whether in view of the nature of duties of these employees they would be given the rent-free quarters, or any allowance in lieu thereof. It appears from the Commissioners' written statement that the Commissioners had no criteria for the grant of rent-free quarters but that they dealt with each case on its own merits. It is only recently that they have accepted in principle the recommendations of the Second Pay Commission, which have been adopted by the Government. These are mentioned in Chapter 35, paragraph 2 of the Pay Commission's Report. The Union's contention is that since there is nothing on record to show that the Government adopted the recommendations of the Pay Commission on this subject, the Commissioners cannot say that henceforth they would apply the recommendations in deciding these matters. Let us examine the evidence of this point in order to ascertain whether the duties of these employees are such as would entitle them in the interest of the Commissioners' service to the grant of rent-free quarters in dispute.

The Union's strong points appears to be this viz., that the Chief Medical Officer and his subordinates have all recommended these employees' representation to the Administration for the grant of rent-free quarters, stating among others, that they belong to the 'essential' service and that also being a part of 'the operational staff', their frequent absence from duty would lead to serious consequences. The Union's further contention is as briefly stated above that these Operators ordinarily perform onerous duties in order to maintain the external service and regularly to long overtime to cope with the work, do double duties and at times duties extending up to 36 or 48 hours at a stretch and are called from home on emergencies and 'abnormal' situations. The Union has examined Dr. Nandy,

Deputy Medical Officer, in charge of these Hospitals and two of the employees—Shri Santosh Chatterjee of the Dock Hospital and Shri Shibendra Roy Choudhury of the Remount Road Hospital in support of its contention and examined Shri B. L. Mital, Assistant Conservator and Shri D. K. Guha, Deputy Traffic Manager to prove that the shift duties performed by other employees in other Departments in the service of the Commissioners are different from duties done by these employees. Therefore, the analogy, sought to be established by the Commissioners in their written statement that the employees performing shift duties as in the case of the employees in dispute are the same and are sufficiently compensated, wherever necessary, by payment of overtime, according to rules. Exhibit 'E' is the duty chart of the Telephone Clerks/Operators of the Dock Hospital and Remount Road Hospital.

Telephone Clerks (Dock Hospital) are required—

- (i) to be on attendance to Telephone Board and its operation,
- (ii) to receive telephone messages and to communicate it to respective authorities and to copy and despatch telephone messages,
- (iii) to receive and make proper entries of external services and ambulance calls, operational instructions for ambulance movement, maintenance of records of movement of vehicles and disposal of ambulance calls,
- (iv) to prepare and maintain various statistical figures relating to external and ambulance services, and
- (v) to assist Medical Officers in arrangements for attendance to external calls.

Telephone Operators (Remount Road Hospital) are, according to this chart, required—

- (i) to be on attendance to Telephone Board and its operation and
- (ii) to receive telephone messages and to communicate it to respective authorities and to copy and despatch telephone messages

As the duties of both the Telephone Clerks and Telephone Operators are interchangeable, they are required to perform the duties, detailed at No. 1 above, when they are posted in the Dock Hospital and vice versa.

Shri Santosh Chatterjee has said in his evidence that the duties they are ordinarily required to do are the same, as in exhibit 'E', and has furnished the following reasons in support of their special claim for the grant of rent-free quarters:—

- (i) The telephones have to be always attended to.
- (ii) They have to reside on the premises of the Hospital, during night, in order to attend to duties next morning, whenever there is a general strike and consequent dislocation of public transport.
- (iii) They are called from home during the food riots, strikes of the Central Government employees, and also other strikes, to duty, by sending messengers as well as conveyances. He, however admitted that he was not called even once in 1959-60. His colleagues were called on one or two occasions in those years. He resides in Bandel, outside Calcutta. He said that, in five or six cases, he had to perform 48 hours duty without break, a statement, which he corrected later by saying, that he did thirty-two hours duty, with breaks of two or four hours. He, further stated that he did whole day duty on 10 or 15 occasions in 1960 and double duty on the same number of occasions in that year. Other Operators also did double duty and three consecutive shift duties in one year. He admitted that all were paid overtime allowance for this work. The Registrar recommended their representation for the grant of rent-free quarters on the ground that they were essential staff, a statement which was endorsed by the Chief Medical Officer. In the Medical Department, the non-medical staff, excepting the Store Clerk and the Assistant Store Clerk, do not get rent-free quarters. He could not speak definitely on the alleged high percentage of absenteeism amongst the Telephone Operators but frankly admitted that he had enjoyed all the C.L. and Earned leave in 1960. In this year, or in any year, he did not do any work for 48 hours at a stretch. It appears from his evidence that there are only one or two Matriculate Operators in this Hospital, suggesting that others are non-Matriculates. Shri Shibendra Narayan Roy Choudhury, Telephone Operator from the Remount Road Hospital, said that they continued to do overtime work beyond one shift, whenever their relief failed to turn up, on the days of strikes due to dislocation of transport services, also they carried on the duties during the absence, on illness

of any one of the Operators, as long as he continued to be ill. He said that the office clerk, who acts as relief, on off days, is designated a Telephone Clerk. He works for three days in the office and three days as Relieving Operator. He was not called from home even once in this year. He does not remember on how many occasions he was called to duty from home in 1960. Conveyances were sent whenever an operator was brought to duty from home. He said that they would have to do overtime work, even if their demand was met, and they were provided with rent-free quarters. The only difference would be that there would be convenience in work, for the Dock Hospital Operators would be able to work in their absence. The provision for quarters would serve the same purpose, though not rent-free, but he said, that the Administration in that case, could not employ them for more than eight hours a day. He was called on four or five times, during emergencies, to duty in one year. Dr. K. Nandy, the Deputy Medical Officer who was examined on Union's request as an witness on behalf of the Union, said that he was in charge of the Dock and Remount Road Hospitals. He has fully narrated the duties of the Medical Officers and the Telephone Clerks in these Hospitals and explained the duties mentioned in exhibit 'E'. On an average a Telephone Clerk here receives 150 calls a day, spread over in three shifts but then there are seasonal variations. Every individual worker in this Department, as in other Department is considered an inseparable link, if proper co-ordination is to be expected. In an Hospital telephones had to be attended to either by a Telephone Clerk or by a Doctor. He said that Radiographer, X-Ray Technicians, Laboratory Assistants and certain other posts do not get rent-free quarters. Telephone Clerks, he said, have fixed duty hours in rotating shifts. Normally they work 48 hours a week. Usually they are booked for overtime in case someone falls sick or is casually absent. They do not get closed holidays but they get holiday allowance. The Commissioners are committed to the external medical service and ambulance service to their employees and they had evolved a system to execute the same. The Telephone Clerks are a link in the procedure of execution. It is therefore always desirable that a Telephone Clerk should be always available for duty. This does not mean that they are wanted at or near the place of work. They form a link in the system and as such they are 'essential' for the smooth execution of the work. Dr. Nandy said further that they wanted all the Medical Staff to live near the Hospital, but then, the analogy of Doctors, Nurses and Compounders, who have been provided with the rent-free quarters, does not apply to the cases of Telephone Clerks. The absence of a Telephone Clerk may lead to difficulties but not to serious consequences. There had been one or two occasions when Telephone Clerks were sent for on emergencies. He then proceeds to explain the alleged long overtime of the Telephone Clerks and said that this unusual type of absence, among the Telephone Operators, which is not so much among the other categories of staff, are circumstances which lead to their booking for overtime mentioned in Exhibit I, a document furnished by the Union. To obviate these difficulties, he said the Commissioners have sanctioned, with effect from November 1960, some leave reserve posts for the Telephone Clerks and the general office staff. He concluded by saying that situations could arise in the Hospital when additional strength of Doctors, Nurses, Compounders etc. had to be mobilised in spite of the scheduled strength being available on duty, while there cannot arise any occasion when additional Telephone Clerks have to be mobilised if the scheduled strength is available on duty.

The Telephone Operators have been described in Exhibit 2 (Registrar's note to the Chief Medical Officer) as very 'essential staff', Managing ambulance and external services and in Exhibit 3 (the Chief Medical Officer's letter to the Secretary) as essential to the running of the external service' and again in Exhibit 'C' (the Chief Medical Officer's note) as 'operational staff'. Dr. Nandy has explained, in his evidence, discussed above, that in their opinion these employees form an inseparable link in the system in which they work. It would be seen from this evidence that the Remount Road Hospital has nothing to do with the movement of the external service. Dock Hospital does it. There is, however, nothing like 'essential' and 'non-essential' staff in the services of the Commissioners. By 'essential' the Department meant that the services of these employees are important. The Department desire in their case, as in the case of every other staff that they should live near about the Hospital so that their services would be available whenever necessary. Not all the Medical Staff, at present, get rent-free quarters. Of the non-medical Staff only the Store Keeper and Assistant Store Keeper, who are responsible for the preparation of the patients' diet, enjoy rent-free quarters. These Telephone Clerks are required to work fixed hours. Their duties are performed in the course of 8 hours' duty and not outside the duty hours. The analogy of Doctors, Nurses, or even for the matter of that of the Store Keeper, therefore, does not apply to their case. They do overtime, some times longer hours. This is not unusual particularly, when the percentage of absenteeism is

unduly high among the Telephone Operators. The difficulties in this direction are likely to be considerably eased with the sanction of the leave reserve posts in the Medical Department. The Commissioners, or, for the matter of that, any employer, are required only to provide for normal situations and duties can only be arranged when normal conditions prevail. Abnormal situations called for abnormal treatment. Of course, if the employers are responsible for creating such a situation, they must compensate for any loss sustained by their employees as a result thereof. There had been unfortunately some cases of general strikes in the past, when public transport was completely paralysed. The difficulties of attending to office in such situations can be easily imagined but such occasions are not only few and far between, but then, in such situations the Commissioners bring these employees from home in their own conveyances by sending messengers, if at all required and pay for such attendance. The evidence of the two Operators, who deposed before me, does not establish a case for any preferential treatment, in this matter, from other employees. There had been only one or two occasions, in which one or two of them, were detained for extra duty and paid for or were brought from home in the Commissioner's own conveyance. No other Telephone Operators in the service of the Commissioners, or elsewhere in Calcutta Hospitals, enjoy the benefit of rent-free quarters. It has, accordingly, been urged by Shri Karlekar, on behalf of the Commissioners, that this grant of rent-free quarters, or any allowance in lieu thereof, to these employees will create repercussions elsewhere among all other employees. Shri M. L. Chatterjee on behalf of the Union has pointed out that the Telephone Operators of the Dock Exchange, mostly ladies, enjoy a higher scale of pay and a special allowance, and in view of the more onerous duties performed by the Telephone Operators of the Dock and Remount Road Hospitals they should at least be provided with rent-free quarters, asked for in this dispute, or with an allowance, in terms of Resolution No. 1239, dated 10th October, 1955 (*vide* Exhibit F1). Ordinary Telephone Operators of Dock Exchange are paid a time scale of pay of Rs. 70—10—140 and a special allowance as laid down in the Establishment Schedule (Exhibit 'B'). Unfortunately, this matter was introduced for the first time during argument and there are not enough materials before me to make any endeavour to fully investigate into this. It is no doubt true that their time scale of pay is higher than that of a L.D. Clerk, which scale is now paid to the Telephone Operators of the Dock and Remount Road Hospitals. The Dock Exchange Operators reach the maximum of their grade at the end of 8th year of service, when, I am told, they become eligible for promotion as Head Telephone Operators, with a still higher scale of pay. The Dock and Remount Road Hospital Operators, the same as L.D. Clerks, reach the maximum of their scale, at the end of 22 years of service. Rules of recruitment, educational qualifications, experience, training, duties etc. of these Operators are not forthcoming. It is, therefore, very difficult to make a fair comparison between the two scales of pay. The Lady Operators are given this special allowance, the amount of which is not much, in view of certain difficulties which they experience in attending to duties at night. Be that as it may, the grounds, on which the Telephone Operators asked for their grant of rent-free quarters, are not sufficiently convincing. It has not been shown that this grant of accommodation at or near the place of work will resolve all the difficulties, or inconvenience experienced at this moment. And a free accommodation is something different. Necessity of finding accommodation is not, and cannot be the same as of free accommodation. A free accommodation is provided, when the duties or conditions of work are such that a higher scale of pay, or special pay etc., would be granted but for that concession. No such claim was stated or proved. I understand that Jeejeebhoy Committee's Report has dealt with the rationalisation of pay scales of different categories of employees in all the Ports and this must have received due attention from that Committee. I am afraid, I cannot in view of the reasons given above, make an award granting the Telephone Operators/Clerks, Dock Hospital and Remount Road Hospital, the relief asked for in this issue. The demand for rent-free quarters, therefore, stands rejected.

Issue 'B'.

This issue arises out of a demand for payment of bonus to the temporary Class III and Class IV employees recruited during the War and confirmed afterwards. The demand was put forward by the Union and was rejected by the Commissioners.

During the World War II one Dock Unit for service overseas was raised from the Commissioners' staff and a second Unit was required. This Second Unit was officered by the Commissioners' employees but the men were recruited from outside. These men were promised first consideration for permanent posts after

the War. The next priority was promised to full time Port A.R.P. staff. Consequent upon the raising of these Units temporary men were required to be recruited in their posts. Apart from this, due to extra work during the War a number of temporary hands were also required to be recruited. As a result, a large number of temporary hands were recruited during the War. These temporary men suffered from various disadvantages. Those appointed in superior posts were eligible for half the amount of leave for which permanent incumbents were eligible. They could not join the Provident Fund unless appointed temporarily against a permanent vacancy. Men in inferior posts were not eligible for any leave until they render five years' service. They could not join the Provident Fund. In order to remove these difficulties the Commissioners, at their meeting, held on the 30th April, 1945 (Resolution No. 790), decided that temporary men, during the War, should be given the same amount of earned leave as permanent men would get in the same posts but that the leave pay should be the pay drawn immediately prior to going on leave. The Commissioners further decided to give one month's pay for each completed year of service to any temporary hand who was not a member of the Provident Fund and whose services were terminated by death, by ill health certified by the Commissioners' Medical Officer or by the Commissioners for any reason other than the man's mis-conduct or inefficiency. This one month's payment was considered as a grant of bonus. These facts are either not in controversy or established by the pleadings and proof beyond dispute.

The Union, in this dispute, has claimed the payment of this bonus for the temporary Class III and Class IV employees recruited during the War and confirmed afterwards. The Union has confined its claim only to those of such employees who continued in service, without any break, and was confirmed in service. In fact, this payment of bonus was duly made to those whose services were terminated, by way of retrenchment, at the end of the War, as also to those, whose services were retained after such termination, but who joined as new entrants.

The Union's demand, in this dispute, rests primarily on—

- (i) Resolution No 790 of 1945, passed at a meeting of the Commissioners, held on 30th April, 1945;
- (ii) The Chairman's assurance to pay this bonus, given to the representatives of the Calcutta Port Trust Employees Association, on the 10th December, 1946; and
- (iii) The statement of Hon'ble Shri Jagjivan Ram, the then Labour Member in the Viceroy's Executive Council, made on the floor of the Central Legislative Assembly, in reply to starred question No. 1537 dated the 16th April, 1947.

Two further grounds were alleged on behalf of the Union in support of this claim. They are—

- (i) The Port A.R.P. staff, subsequently absorbed in permanent vacancies were paid this bonus but other employees who were absorbed against permanent vacancies were neither given the benefit of Provident Fund in the un-confirmed period of their service, nor the bonus as promised by the Chairman.
- (ii) The Bombay Port Trust paid War Bonus to their employees at the rate of a month's pay.

The last ground, mentioned in the written statement of the Union, was not pressed at the hearing of the dispute. In fact, the Union did not press for payment of any bonus other than that envisaged in Resolution No 790 of 1945. The Union put in a separate claim for payment of victory bonus, in their charter of demands which was not allowed by the Commissioners. The other ground is that since the A.R.P. staff, who were absorbed in permanent vacancies, was paid the said bonus, the employees now before us should be given the same. That ground in fact comes in for consideration in connection with the decision of the other grounds on which this claim is based. In the additional written statement, the Union, at page 7, paragraph 18 said that the present issue arises out of an assurance given by the Chairman, during discussion with the workmen's representatives, on the 10th December, 1946. During hearing of the dispute a further point was sought to be made out on behalf of the Union, viz., that on a comparison of the net financial gain being made by the employees, whose services were terminated and who were paid bonus, with those, who continued in service, without such termination and payment, would show that the temporary employees in continuous service sustained a heavy financial loss.

The Resolution No. 790, dated the 30th April, 1945, is stated in full, in Annexure 'A' to the Commissioners' written statement. The Secretary, in his letter, dated the 3rd May, 1945, informed the Secretary of the Association about this Resolution. The Chairman's assurance to the representatives of the Calcutta Port Trust Employees Association, the alleged foundation of the Union's claim in this dispute, is fully stated in Annexure 'H' of the Commissioners' statement.

Next comes the statement of Hon'ble Shri Jagjivan Ram made in the Central Legislative Assembly. This has been referred to in the Union's letter dated the 24th August, 1954 to the Chairman, Calcutta Port Commissioners, mentioned in Annexure 'M' to the Commissioners' written statement.

While there is not much of dispute as to the meaning of the statements contained in the aforesaid Resolution and the Chairman's assurance, there is a good deal of controversy about the meaning of Hon'ble Jagjivan Ram's statement. So far as the accuracy of the statement is concerned there is no doubt between the parties, although the basis on which Hon'ble Shri Jagjivan Ram's statement was made, in the Central Legislative Assembly, was not forthcoming before me. We are now concerned with these documents. The oral evidence on this point consists of the sworn testimony of E.W. 5 Shri D. K. Sen, Assistant Accountant, Pre-Audit, in the Commissioners' service, and of Shri Narayan Banerjee, Shri Subal Paul and Shri Haridas Ganguly, all temporary Shed Clerks in the Traffic Department. This evidence was led by the Union to show that temporary employees, in continuous service, suffered financially than their colleagues who, after termination of their services, joined as new entrants, and by the Commissioners to prove that the Union's contention was fallacious and inaccurate, inasmuch as the employees, in continuous service, earned a lot more than those who joined as new entrants after a break in service and received payment of bonus. This point appears to have been taken to show that the Commissioners did not treat all the temporary employees equally. To my mind, this contention by itself does not advance the Union's claim nor prove it. The Union's claim will succeed if it establishes that the cases of these employees in continuous service are covered by Resolution No. 790 of 1945 and also by the Chairman's assurance dated the 10th December, 1946. Hon'ble Shri Jagjivan Ram's statement is no less important, for it was made, on the information furnished by the Chairman of the Port Commissioners. That statement, accordingly, helps to a large extent in interpreting the Resolution and the assurance mentioned above. In the first place, we shall now examine whether the Union's contention that the temporary employees, in continuous service have suffered a heavy financial loss, in not receiving the amount of bonus, in terms of Resolution No. 790 and of the Chairman's assurance, dated the 10th December, 1946 is correct. The Union's witness No. 11, Shri Narayan Banerjee, entered service on 1st February, 1944 and was confirmed on 1st August 1947 with no break in service. He joined the Provident Fund from 1st August, 1947. He is now officiating in the Upper Division. He speaks of Sudhir Babu and Shih Babu who got bonus and joined as new entrant. He admitted that he received more financially than Kashinath Babu, in continuing in service. Union's witness No. 12, Shri Subal Paul said that he would not have preferred retrenchment to continuous employment and that Shri Sudhir Basu got bonus and joined as new entrant. E.W. 13, Shri Haridas Ganguly also said that Shri Sudhir Basu (A.R.P.) got bonus and joined the Traffic Department as new entrant. He, however, did not get any bonus as he was in continuous service. A.R.P. men who joined, as new hands after break in service, got bonus E.W. 6, Mohiteswar Chatterjee said that he joined at temporary A.R.P. on the 16th September, 1943. His services were terminated on 31st March 1946 and he was paid bonus. He joined as new entrant on the 1st June, 1946. He did not get any adjustment in pay scales in 1958. He continues as L.D. Clerk. E.W. 5 Shri D. K. Sen said that the Commissioners recruited during the War, apart from A.R.P. personnel, a number of other temporary staff. Some A.R.P. and other temporary staff were retained and services of some others were terminated prior to 1st April, 1946. They were paid bonus as per Resolution No. 790 of 1945. Some persons of A.R.P. staff were transferred to the main establishment even before 1st April, 1946. They were not paid any bonus as per said Resolution. Services of some of A.R.P. who were not absorbed before 1st April, 1946 were terminated by 31st March, 1946 and appointed as new entrants on 1st April, 1946. They were paid bonus. During the War temporary employees were recruited in the main establishment. They earned the same advantages with the said other temporary staff when they continued in service after the termination of hostilities round about 1st April, 1946. Thereafter, Shri Sen explained the circumstances in which adjustment of salary in case of A.R.P. staff whose services were terminated on 31st March, 1946 and who joined as new entrants on 1st April, 1946 was effected in accordance with the Resolution No. 930 dated the 8th July, 1958. This adjustment tantamounts to deferred payments.

This did not enable the employees to get back payments nor were they allowed to contribute to their Provident Fund on the increased pay for previous years. He however, said that the staff in continuous service by virtue of their service in A.R.P. are now officiating in the higher scales. The temporary staff in continuous regular service enjoy the same benefits. In the case of Shri Sudhir Basu, Exhibit 03, the salaries drawn by him including bonus between 1st April, 1946 and 1st August, 1947 appear to be more than the salaries drawn by Shri Shyama Pada Chakravarty during the same period although he was in continuous service Exhibit IV 1. Exhibits 5 and 6 show about half a dozen cases of employees in continuous service and of those who had break in service and received payment of bonus. These have been explained on the side of the Commissioners by Exhibit 0 to 03. Some cases have been picked up to show that an employee in continuous service received more financially than an employee who had break in service and paid bonus. Exhibit 'P' shows the case of Shri Sushil Das (in continuous service) and case of Shri Sudhir Basu who received a bonus of Rs. 120/- after a break in service. Shri Das in actual fact received Rs. 622/- more than Shri Bose. Shri Das was appointed on 10th February, 1944 and Shri Bose was appointed on 4th February, 1944. In Exhibit N4 a comparison was made between the case of an employee in continuous service and that of another who had break in it and who joined as new entrant. Shri Tripti Ghose was appointed on 15th September, 1944 on a pay of Rs. 40/- and continued in service. His present officiating pay is Rs. 132/- whereas Shri Kali Das Sikdar, appointed on the same day on a pay of Rs. 45/- had break in service and joined as new entrant. His present officiating pay is Rs. 124/- only. The other cases may also be compared. In a vast organisation like this, there may be one or two cases, where somehow or other, an employee, who had a break in service, and who joined as new entrant, might be found to have earned more than another employee in continuous service. That does not prove the rule. It may be safely inferred from the above that, in general, temporary employees, who continued in service, without receiving any payment of bonus, received more advantages, not only financially but in matters of leave, seniority and promotion than those who suffered breaks in service and received payment of bonus in terms of Resolution No. 790 of 1945.

Let us now read Resolution No. 790 of 1945 and try to ascertain if it applies to the cases of temporary employees who continued in service and confirmed afterwards. It is a cardinal rule of construction of a document that clear and unambiguous words of the intention will prevail. The meaning of a document or a particular part of it is to be sought in the document itself and a document is to be construed as a whole, read and interpreted as a whole in order to extract the meaning of a particular part or expression. Ordinary words ought to be given their plain and ordinary meaning. The Resolution accepted the Chairman's suggestion to the following effect—

"I suggest also that the Commissioners should give one month's pay for each completed year of service to any temporary man who is not a member of the Provident Fund and whose services are terminated by death, by ill health certified by the Commissioners' Medical Officer or by the Commissioners for any reason other than the man's misconduct or inefficiency. The grant of the bonus would be entirely at the discretion of the Commissioners and could not be claimed as of right".

The Resolution was adopted to modify the then existing conditions of temporary appointments and to facilitate the recruitment of temporary men during the War. The Commissioners' Secretary, in his letter, dated the 3rd May 1945, informed the then Union Secretary of the fact of this Resolution. These temporary men did not enjoy the benefits of Provident Fund and it was thought necessary, in case of termination of their service, by way of retrenchment, to provide these men with some money, which may be equivalent to the benefits of the Provident Fund. At that time, chapter VA, on Lay off and Retrenchment, now embodied in Section 25A to 25J of the Industrial Disputes Act, was not enacted into law. Therefore, the Commissioners, in their anxiety to recruit right type of men temporarily, thought it fit to provide some sort of retrenchment relief in case their services were terminated at the conclusion of the War. In fact, there was some retrenchment of temporary staff, though a large number of them were finally absorbed in the Commissioners' services. The retrenchment of temporary staff has a history of its own, not necessary to be discussed in considering the present issue but it cannot be doubted for a moment that the real intention, as expressed in Resolution No. 790 of 1945, was to make some provision to compensate the temporary employees for loss of employment, in case of termination of their services, for no fault of their own. This was called retiring bonus payable only on retrenchment of surplus staff. It cannot be claimed by those,

who preferred continuous service to retrenchment, and, in fact, continued in service and was duly confirmed in it, much less claimed as a matter of right, within the framework of the said Resolution. The next important point urged, in support of this claim for payment of bonus, is that the Chairman of the Commissioners gave an assurance to the representatives of the then Workers' Union, on the 10th December 1946. This is mentioned in Annexure 'H' of the Commissioners' written statement. Annexure 'H' contains an extract from the summary of discussion held between the representatives of the Association and the Chairman on the aforesaid date. The discussions centered round the much agitated question of retrenchment of surplus staff. The Chairman agreed to instruct the Heads of Departments to give all information necessary to the representatives of the Association to enable them to make suggestions with regard to the absorption of surplus staff. "The Chairman further said that temporary surplus staff who were absorbed could, if they wished, draw their retiring bonus (a month's pay for every completed year of service) and rejoin as new hands". The Union's contention is that the present issue arises out of this assurance. Could this be interpreted to mean something different from Resolution No. 790 of 1945? I think not. The Commissioners can only make payment, out of the revenues at their disposal, in terms of this Resolution and not otherwise. Any payment, in cases not falling within the terms of the Resolution, would be illegal. The Chairman's anxiety was to absorb as many surplus staff as possible. There was no fixed rule on this point but then the principle to be observed was to keep enough staff to cope with the maximum amount of work the Department was likely to be called upon to do. In that connection, the Chairman said that the temporary surplus staff who were absorbed could, if they wished, draw their retiring bonus and re-join as new hands. The option was not with the Commissioners but with the temporary employees. It has been said on behalf of the Union that this option was not given to the employees and the employees therefore have a grievance on that score. It is true that such option was not given to the employees individually, but then, it was abundantly made clear to their representatives that they had such option either to continue in service, without the retiring bonus, in case of absorption, or, to accept the retiring bonus on a break in service and then re-join as new hands. The temporary employees, in continuous service, now before us, did not exercise this option and, as such, cannot, on the aforesaid assurance of the Chairman, ask for payment of the retiring bonus in the present dispute.

Next point is whether the statement made by Hon'ble Shri Jagjivan Ram, in the Central Legislative Assembly advanced the case of these temporary employees in any way or not. This statement is set out fully in Annexure 'M' already referred to in the earlier part of this Award. Notice of strike by the Port Employees was served on 21st September 1946, strike to take place, if the demands were not met, with effect from 10th December 1946. These demands were discussed by the Chairman with the representatives of the workmen. The demands, however, did not include the present one. There were negotiations for settlement between the parties and, eventually, there was a strike, in Calcutta Port, for a period of 3 months from 5th February 1947 to 2nd May 1947. This was ended by a settlement mentioned in Annexure 'A'. The issues, mentioned in the notice of strike including bonus, not this one, but one of three month's wages as War Bonus, were referred to a Tribunal. It was, in course of this strike, that Hon'ble Shri Jagjivan Ram made this statement on the 10th April 1947. The statement is as follows:—

"In regard to the demand for bonus, the Port Commissioners' contention was that all temporary employees of the Port Trust had already been given one month's wage for every year of service which compensated them for the Provident facility which they did not enjoy during the war period and that this amount was to be paid not only to the temporary employees who were retrenched but also to those who were to be retained and absorbed in the permanent vacancies".

Shri Chatterjee, the General Secretary of the Union, writing to the Chairman, Port Commissioners, on the 24th August 1954 (Annexure 'M') on the subject of bonus to employees recruited during war, said that he was prepared to produce relevant papers in connection with an agreement on the subject. Shri Chatterjee now says that this agreement was an oral one and there was nothing in writing in existence to prove it. No such agreement was proved by oral evidence. We are, therefore, left with the Hon'ble member's statement only. Emphasis was placed on the following words of the said statement "that this amount was to be paid not only to the temporary employees who were retrenched but also to those who were retained and absorbed to the permanent vacancies". The question is whether they are in conflict with the spirit of the Resolution No. 790 of 1945 and

of the Chairman's assurance given on 10th December 1946. The Commissioners point out that they refer only to cases of employees, of whom the Chairman has particularly mentioned, in course of his discussions held, between him and the representatives of workmen of the then Association, on the said date. They are the surplus staff, who opted to receive payment of this retiring bonus, with break in service, and then re-joined as new hands. There could not be any intention of giving temporary employees, who continued in service, the benefits meant for those who suffered a break, on account of retrenchment, and who on absorption, opted to receive retiring bonus and joined as new hands. As a matter of fact, the strike was for non-fulfilment of a demand for payment of bonus other than the retiring bonus in question. Ordinarily, the question of retiring bonus would not be mentioned either in the Commissioner's report to the centre, or in the statement on the strike before the Assembly. In the absence of any Resolution, Chairman's statement, or bipartite agreement on it, the statement must be taken to refer to such cases on which the Commissioners, or the Chairman had taken a prior decision. In this view of the matter, the aforesaid statement is not in conflict with the Resolution No. 790 or the Chairman's assurance made subsequent to it, nor does it enlarge the scope for payment in any way. The conduct of the parties would support this finding. The question of payment of this bonus to the temporary employees, in continuous service, was not agitated by the Union between 1948 and 1954. Once in August 1948, this was referred to and discussed but a different content was given to it and the Commissioners, on the other hand, in their D.O. letter to Mr. Hakumat Rai on 30th December 1947 stated that all staff found to be capable of absorption by 22nd December, had their retrenchment notices cancelled, and all staff found to be surplus would be retrenched from that date and each man would be paid one month's pay for every year of service as decided, vide Resolution No. 790 of 1945. This repeats the stand taken by the Commissioners on this matter ever since, and points out that the concession, made in Resolution No. 790, was to induce men to join the Commissioners' service during the war and like other similar concessions, those under Resolution 790 lapsed on the official date of termination of hostilities on 31st March 1946. So far as this date is concerned there was some agitation to alter it but then, there was no agitation so far as payment of this bonus to temporary employees continuing in service is concerned. It would thus appear from the above that the Commissioners never intended nor expressed any intention to pay the retiring bonus under Resolution No. 790 of 1945, to the temporary employees continuing in service and confirmed afterwards. These employees do not fulfil the conditions envisaged in the Resolution No. 790 of 1945 and also in the Chairman's assurance, dated the 10th December 1946. Their cases are also not covered by the statement made by Hon'ble Shri Jagjivan Ram in the Central Legislative Assembly. In these circumstances, the demand for payment of bonus to temporary Class III and Class IV employees, recruited during the war, and confirmed afterwards, cannot be entertained. It is rejected.

Issue 'C'.

This issue arises out of a claim for payment of workshop staff for additional hours of work alleged to have been performed in excess of normal hours in the night shift during the period 1st May 1954 to 31st March 1958. The Union's case, briefly stated, is that the workmen employed in the Fitting, Machine and Boiler Shops, of the South Workshop at No. 8 Garden Reach Road, were made to work from 9-30 P.M. to 8 A.M. on the following day, in night shifts from 1st May 1954 to 31st March 1958. These workmen worked in excess of their normal working hours during this period but were not paid any overtime, in spite of repeated representations to the authorities. The Chief Mechanical Engineer denied the workers' claim. The Commissioners rejected this demand alleging that the workmen did not work in excess of the normal working hours.

The workers involved are about 134. The financial implications of this claim were not worked out. The period in claim is three years eleven months i.e., roughly a month less than four years.

The Commissioners have a workshop, at No. 8 Garden Reach Road, which is popularly known, as No. 8 Workshop. It is a registered factory of which the Chief Mechanical Engineer who is in charge, is the Factory Manager. The Commissioners, in order to implement heavy overhaul programme of locomotives, introduced in three Sections viz., Fitting Shop, Machine Shop and Boiler shop of this workshop evening shift and night shift in addition to the usual day shift, with effect fr

1st May 1954. The hours of work for the newly introduced evening shift and night shift, fixed under the provisions of the Factories Act, were as follows:—

Evening Shift.

Monday to Friday—

4 P.M. to 12 midnight, with interval for rest between 9 P.M. and 9-30 P.M.

Saturday—

11-45 A.M. to 8-45 P.M., with interval for rest between 4-30 P.M. and 5 P.M.

Night Shift.

Monday to Friday—

11-30 P.M. to 8 A.M., with interval for rest between 3-30 A.M. and 4-30 A.M.

Saturday—

8-15 P.M. to 5-45 A.M., with interval for rest between 1-15 A.M. and 2-15 A.M.

These relays were subject to weekly change of shifts. The workers working these evening and night shifts found the starting and stopping time inconvenient as the shifts stopped or started at midnight and no conveyance was available at that time of the night to go back home. Accordingly these hours were changed unofficially to suit the convenience of the workers. The unofficial hours of the evening and night shifts are in dispute. According to the Commissioners' written statement the official hours were changed about a couple of months after the introduction of the shifts and there is no written record of the unofficial arrangements. The Commissioners' statement shows that the evening shift hours were—

Evening Shift

Monday to Friday—

4 P.M. to 10-30 P.M., with interval for rest between 8 P.M. and 8-30 P.M.

Saturday—

11-45 A.M. to 8-45 P.M., with interval for rest between 4-45 P.M. and 5-45 P.M.

Night Shift.

Monday to Friday—

10 P.M. to 7-30 A.M., with interval for rest between 2 A.M. and 4 A.M.

Saturday—

8-15 P.M. to 5-45 A.M., with interval for rest between 1-15 A.M. and 2-15 A.M.

According to the Port Commissioners, there was no change of hours of work so far as night shift is concerned on *Saturday only*. There was no change in the starting and stopping time on Saturdays, in the evening shift except with the interval for rest which was half an hour in the official arrangement was changed to one hour under the unofficial arrangement. In the Union's first written statement the night shift hours were from 9-30 P.M. to 8 A.M. In the second written statement the Union stated that the workers made repeated demands for payment of overtime. The normal working hours in the Chief Mechanical Engineer's workshop are 46 hours a week. The workers are entitled to overtime at single rate for work beyond 46 hours and up to 48 hours and to overtime at double the ordinary rate beyond that period. The workmen in any case worked not less than 53 hours a week and are entitled to overtime at single rate for 2 hours in each week and at double rate for $5\frac{1}{2}$ hours. This so called unofficial hours were subsequently changed with effect from 1st April 1958 as stated by the Commissioners in their statement.

Regarding hours of work in the evening and the night shifts as officially fixed by the Chief Mechanical Engineer there is no dispute between the parties. Admittedly the starting and stopping time of these two shifts are found inconvenient to the workers and these hours were changed. The Commissioners' case is that the hours of work, unofficially changed, were mutually agreed to. The Union, of course, contests this point. Their case was that it was not a case of mutual agreement. Overtime was introduced in the evening shift but not in the night shift. The evening shift hours though not directly in issue are to an extent disputed. The night shift hours are in dispute. Unfortunately, there is no written record of the unofficial arrangement. Accordingly the issue has got to be decided

mainly on oral evidence and on probabilities. The legal position has not been contested between the parties. Section 54 of the Factories Act 1948 lays down that subject to the provisions of Section 51 no adult worker shall be required or *allowed* to work in a Factory for more than 9 hours in any day, Section 51 says "no adult worker shall be required or *allowed* to work in a factory for more than 48 hours a week". Section 55 provides for interval for rest and Section 56 provides for spread over of work. The Commissioners, contention is that the workmen have taken undue advantage of long spread over of working hours, in the night shift and have preferred this belated claim for overtime payment. They remained silent, without making any agitation, whatsoever, during this long period of four years, though not paid any overtime for alleged long hours of work.

In actual fact, very few men were found willing to come over to the new shifts when they were introduced. Those who agreed to come over to the shifts dictated their terms. They came mostly on promotion. Due to the militant attitude of the then Workers' Union, which exercised considerable influence over the majority, the authorities were satisfied in seeing the shifts run somehow and were lenient in their treatment towards the workmen. In the night shift, the Commissioners contended, that the workmen had, under the unofficial arrangement, two hours as interval for rest though, in actual fact they left their work 15 minutes earlier and prepared their bed, and went to sleep, in some cases till the next morning and thus worked less than four to five hours a day. This story was stoutly *denied* on behalf of the Union. The Union's case, as already mentioned above, is that under the instructions of the foreman, the workmen came to work at 9-30 hrs at night and waited till 8 A.M. next morning to receive and to hand over charge to the workers of the next shift. They had the usual interval for rest of one hour and did not suffer any time cut any time during this period for having worked less hours on account of longer interval for rest. It is admitted on both sides that men were at first unwilling to work in the new shifts and created difficulties. At first, the evening shift was started with younger men on promotion. Sometime after, the night shift was started also with men on promotion. The stopping hour of the evening shift and the starting hour of the night shift were found inconvenient due to want of public conveyance. The Union examined four workmen—UW. 6—Abdul Hamid, UW. 7—Krishna Paul, UW. 8—Jhinku Choubey, UW. 9—Mahammad Osman and UW. 10—Shri P. C. Mitra, Deputy Chief Mechanical Engineer on its side and the Commissioners have examined Shri S. K. Raha, Shri J. N. Chaudhury, Foremen, Shri A. K. Basack, Assistant Foreman and Shri K. C. Shadhukhan, Executive Engineer on its side. UW. 6—Abdul Hamid is an Over-head Crane Driver in the Machine Shop. He was in the general shift before he came to the evening shift on 1st May 1954. He said that since 1st May 1954, the unofficial duty hour was 9-30 P.M. to 8 A.M. on week days and 8-15 to 5 P.M. on Saturdays with one hour interval of rest on week days. He said that he was asked by his foreman to attend at 9-30 and to take charge of the tools etc. from the men of the previous shift and to deliver them to the men of the next shift at 7-30 and the general shift i.e., day shift starts from 7-30 A.M. He said he was assured by the foreman about consideration of overtime payment and, therefore, did not inform the Union at that time. Shri Shadhukhan, Engineer in Charge told them when approached for the overtime payment that the loss in the night shift was sufficiently compensated by gain in the evening shift. He did not send any representation for payment of overtime individually but there was a joint application. UW. 7—Shri Krishna Paul said that evening shift was introduced about 25 days before the night shift. He said that the night shift hours were 9-30 P.M. to 8 A.M. with tiffin between 2 and 3 A.M. He also speaks of assurance by the foreman about overtime payment. He along with others were given evening and night shifts by rotation. They worked inside the workshop for 10½ hours except during interval for rest. They worked for 9½ hours and time cut was imposed if there was less work. He denied the suggestion that men of night shift usually go to sleep while on duty. UW. 8—Jhinku Choubey said that the shift hours were 9-30 P.M. to 8 A.M. with rest between 2 and 3 A.M. They submitted petitions for payment of overtime work in the night shift. Night shift foreman assured them of settlement but did nothing about it. Thereafter, they sent in a petition for payment. UW. 9—Mahammad Osman said that the night shift was between 9-30 and 8 A.M. with recess between 2 and 3 A.M. Shri P. C. Mitra, Deputy Chief Mechanical Engineer said in his evidence that between 1951 and 1958 the staff, who worked unofficial hours of evening and night shifts and there was definite proof of such working and wherever hours of work exceeded the limits of the Minimum Wages Act, arrears overtime payment was made. Speaking generally, he said, that they were very liberal in adjusting hours and giving special facilities to the workers as well as to the other staff and this was done on several occasions until the introduction of the Minimum Wages Act, 1955. Rules were relaxed mainly

to look after the convenience of the workers where such relaxation was not detrimental to the Commissioners' interest. He was in the Chief Mechanical Engineer's Department when the shift duties started in 1954. He proves notice Ex. 'H' showing the official hours and the Log Book Ex. 1 which also shows the official hours. He has, thereafter, explained the circumstances in which the official hours fixed by the Chief Mechanical Engineer in 1954 were changed. The hours were very inconvenient to the men as large number of them came from distant places. Due to the exigencies of work the then Chief Mechanical Engineer (Mr. P. C. Basu) agreed to the mutually arranged unofficial hours so long as they were within the limits of the Factories Act. There is no official records of the workers' representation, or the changed hours of work. Rather the official hours continued to be shown in all written records till 1958. Overtime was paid according to the official hours and bookings in the Accounts Department were done according to the official hours, not unofficial hours—10 P.M. to 7-30 A.M. with hours of break between 2 and 4. This was even further varied by the lower ranking officers on the principle of mutually agreed hours. He said after representations were made to the Chief Mechanical Engineer by the Workers' Union an enquiry was made and the foreman concerned confirmed this time. He added however that there had been further variations to this also. There may be. On investigation it was found that the actual recess enjoyed by the men on night shift duty was more than two hours, in some cases four to five hours. Then he explained his statement with reference to electric load charts. He, however, said that he personally did not think either the Chief Mechanical Engineer or any Executive Officer could have allowed such mutual arrangement of work during such an extended period. In cross-examination he said he was not in charge of labour matters when the shifts were introduced. He did not work directly as the Engineer in Charge of the Workshop. The affairs of the workshop were not known to him in detail before he took over as E.M.E. (Genl.). He did not introduce any change, major change, in the system of working since he took over charge. The Workers' Union, in a letter addressed to the Department in October/November 1954, raised question of payment of overtime for shift duties. Foreman and the Supervisory staff in the shifts did just the same hours of duty as the workmen but night shift men left little late in the morning. In March 1958 it was decided to introduce the new working hours with the approval of the Chief Inspector of Factories. Before that there was no personal investigation into the actual working hours. Shri Mitra then explained the reasons for introducing the new hours and said that they felt that they were doing something against the Factories Act and the hours must be regularised and by that time representations have come from the workmen. They claimed to have worked more during the night shift. E.W. 1. Shri S. K. Raha was in charge of the Machine Shop as its Foreman when shift duties were introduced after two months on 10th July 1954 when night shift was started. He speaks of the mutual arrangement under which the official hours were changed and proves the C.M.E.'s letter Ex. 'M' and his reply thereto dated 20th March 1958 Ex. 'M'. He said that the rest interval in the night shift is about $2\frac{1}{2}$ hours and not less than 2 hours. According to him actual hours of work in night shift were 46 hours in a week and had never exceeded that. E.W. 2 Shri J. N. Choudhury was Foreman, Fitting Shop when the shift duties were introduced. Evening Shift was introduced on 1st May 1954 and the night shift two months after. He said that then C.M.E. fixed the hours of work which were not worked even in the afternoon shift. In the evening shift men were allowed to leave at 10 P.M. with half an hour's break between 5 and 5-30 P.M. The official hours were also not worked in the night shift. According to him the evening shift was 4 P.M. to 10 P.M. with half an hour's recess and night shift was 10 P.M. to 7-30 A.M. with two hours recess. He proves the C.M.E.'s letter Ex. 'M' and his reply Ex. 'M2'. He said that normal working hours in a workshop is 46 hours a week and night shift men never worked for more than 46 hours a week. In individual case a worker was permitted to attend an hour early so that he might leave an hour early in the next morning. E.W. 3—Shri A. K. Basack, Assistant Foreman said that there was no demand for overtime payment and proves the unofficial hours. The second shift men were permitted to leave at 10 P.M. because of transport difficulties. E.W. 4—Shri K. C. Sadhukhan was not in the workshop, when the shift duties were introduced. He said, on taking over, he made enquiries and found that unofficial hours were within the limits of the Factories Act. This is practically all the oral evidence on this point. It appears that the Chief Mechanical Engineer (C.M.E.) made enquiries from his subordinates about the actual state of affairs regarding the working of the unofficial arrangement and that was sometimes in March 1958. Shri P. C. Mitra as already mentioned above explained the circumstances under which this enquiry was made shortly before the new hours of work were brought into operation. Accordingly the replies of the Foremen in Ex. 'M1' to 'M2' do not carry more weight than their oral evidence. In fact no contemporaneous documents were forthcoming to show what the unofficial hours were. Shri

P. C. Mitra has said also that there had been further variations by the lower ranking officers on the principle of mutually agreed hours. The only document which has an important bearing on the decision of this issue is Ex. 'H', the then C.M.E.'s letter to the Chief Inspector of Factories sending notice of the official hours of work. In that letter he has said that men working in the proposed groups F and G (meaning evening and night shifts) will interchange their shifts every week. It will be seen that starting and stopping times of Groups A, F and G overlap each other by 30 minutes, which is necessary to facilitate handing and taking over. This letter is dated 2/4 December 1953. It is clear beyond dispute that in the opinion of the Head of the Department 30 minutes are necessary to facilitate handing and taking over, a fact which has been deposed to by all the workmen witnesses examined in this case and it will be further proved by the old and new officially notified hours of work. I come now to the probabilities of the case. It is now established that the unofficial hours of work between 1954-58 were approved of by the Chief Mechanical Engineer who is the Manager of the Factory. It cannot be believed for a moment that any such change extending for such a long period can work in the name of official hours for such a long time without the knowledge and approval of the Manager of the Factory. The evening shift hours are not so much in dispute although the Foreman said that men were allowed to leave at 10 P.M. in place of stopping time at 10-30 P.M. Even if we accept that the hours were 4 P.M. to 10-30 P.M. with half an hour's interval for rest between 8 and 8-30 P.M. then the total number of hours in the evening shift comes up to 38.5 i.e. $7\frac{1}{2}$ hours less than the total number of working hours in the workshop. The Saturdays presented no difficulties and there is no dispute about the hours of work. It would be seen that, under this arrangement, a man in the evening shift had regularly put in shorter hours of work, by $7\frac{1}{2}$ hours a week, although was paid for the full 46 hours' work. The workers said that in reply to their representations for payment of overtime Shri Sadhukhan, Engineer in Charge, replied that their loss in the night shift was compensated by their gain in the evening shift suggesting that the workmen were receiving full payment working shorter hours in the evening shift and not receiving overtime payment for doing longer hours of work in the night shift. Question is, will the administration tolerate such over payment in the case of evening shift for a long period of about four years unless it was satisfied that the very same workmen worked longer hours in the night shift without charging for overtime work. In fact, the whole day's work was distributed in three equal shifts of 8 hours each. It would be, in the interest of every body, to see that the day's work is done somehow or other in course of the day in three shifts and the unofficial hours were spread over 16 hours in 2 shifts. The shifts do overlap each other and this overlapping has been explained, in the letter addressed to the Chief Inspector of Factories by the Chief Mechanical Engineer. Half an hour's time was provided for at the commencement of the evening shift and the night shift, and no such time was provided for at the end of their night shift. This refers to the arrangement for week days—Monday to Friday. As I have said above, Saturdays do not pose any problem. A further fact was introduced to explain away the hours of work spread over in the night shift viz., that interval of rest on paper was two hours but in actual practice it was much more than that and that during 2 to 7 practically there was total stoppage of work. It was suggested that every body including the Supervisor regularly went to sleep and did not resume work at the end of the interval for rest. The Commissioners produced chart showing electric power consumption at two sample periods between 1st May 1954 and 31st March 1958 showing that the workshop load during the night shift invariably came down to a very low figure—only equivalent to lighting load—for well over two hours. It would be seen from the oral evidence discussed above that according to the workmen the interval for rest was on hour and not more than that. They did not accept this suggestion that they enjoyed regularly much longer hours of rest even longer than two hours alleged by the Commissioners in their written statement. The Commissioners' evidence discloses that the night shift work was very difficult to control and that in actual fact the workmen enjoyed not only two hours' interval of rest agreed to but longer hours during which they prepared their bed and went to sleep. The fact, however, remains that there was no time cut in the wages of these workmen which must have been done if they systematically went against the agreed hours of work, by having more interval for rest. Interval for rest on Saturdays is one hour. It is one hour on week days under the notified hours of work by the Chief Mechanical Engineer in 1954 and also in 1958. It has been said by the officers on the Commissioners' side that two hours' interval was agreed to on an appeal to that effect made by the workmen for their convenience. Under the Factories Act an interval of rest ordinarily need not exceed more than half an hour, i.e., it should be at least half an hour. Even if we accept that the interval of rest on week days in

the night shift was two hours, there is hardly any good reason to further find that it was longer than that. Lastly the Commissioner's evidence is that night shift men left a little late in the morning although the mutually agreed hours were said to extend up to 7-30 A.M. Day shift commences at 7-30 A.M. It is therefore likely that at least $\frac{1}{2}$ hour's time should be taken to handing over and taking over charge by the men of the night shift and of the day shift. I am, therefore, inclined to think, on a consideration of the facts and circumstances of the case, that the night shift hours, as agreed to unofficially, were between 10 P.M. and 8 A.M. with an interval of rest, may be for two hours. That is more consistent with the probabilities of the case and with the story told by the witnesses on both sides. In this view of the matter, the total working hours in the night shift comes up to 48 $\frac{1}{2}$ hours. Normal working hours in a week in this workshop is 46 hours. Accordingly, the workers employed in the night shift, during the period in dispute, had worked 2 $\frac{1}{2}$ hours in addition to the normal hours of work and they are entitled to overtime payment.

In some of the Departments and even in the Chief Mechanical Engineer's Department, unofficial hours beyond the permissible limits of the Factories Act were worked in the past and after the introduction of the Minimum Wages Act such arrears of overtime were paid. In this case, the Chief Mechanical Engineer's Department acted in good faith, in the best interest of all concerned, in introducing unofficial hours of work which exceeded the limits prescribed in the Factories Act. Admittedly, there have been violations of the provisions of the Factories Act, and some irregularities, which should not have been allowed to continue for a long time. The Factories Act imposes duties and obligations upon the employers. Sections 51 and 54 of the Factories Act forbid the employers even to allow an adult worker, in certain circumstances to work beyond the prescribed period. It is no reasonable excuse to say that the provisions of the Act were overlooked in the interests of the workers, and at their request. The legal consequences must follow from that breach and no equitable considerations can probably arise in this case. The demand for payment to workshop staff who worked in excess of normal hours in the night shift during the period 1st May 1954 and 31st March 1958 succeeds. The workshop staff actually employed in the night shift will be paid overtime for two hours at single rate and half an hour at double the ordinary rate of wages per week. The claim is, accordingly, allowed.

Before I conclude this award, I must express my thanks to the authorities of the Port Commissioners for allowing every facility in the performance of my work and place on record my deep appreciation of the valuable assistance rendered, during the long hearing of this matter, by the representatives of both the parties, led by Shri G. V. Karlekar, Chief Labour Officer, and Shri K. N. Ganguly, Officiating Deputy Secretary, Port Commissioners, and by Shri M. L. Chatterjee, General Secretary and Shri S. Das Gupta, Joint Secretary of the Calcutta Port Shramik Union. This is my award.

MANINDRA NATH GAN,

The 27th June, 1961.

Arbitrator.

[No. 28/73/60/LR.IV.]

ORDER.

New Delhi-2, the 10th July 1961

S.O. 1653.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the United Commercial Bank Limited, Quilon and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal consisting of Shri V. U. Joseph with headquarters at Ernakulam and in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE.

- (a) Whether Shri N. Tayapal, Driver, is a workman of the Bank; and if so—
(b) Whether the termination of his services by the Bank is justified; if not, to what relief is he entitled?

[No. 51(11)/61-LRIV.]

G. JAGANNATHAN, Under Secy.

New Delhi, the 7th July 1961

S.O. 1654.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Ballarpur Collieries Company and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-9 OF 1961

Employers in relation to the Ballarpur Collieries Company

AND

their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the employers: Shri S. V. Kanade, Personnel Officer, and Shri P. D. Chaudhari, Manager, Ballarpur Colliery.

For the workmen: Shri Zallaram, Vice-President, Bombay Pradesh Mine Workers' Union.

STATE: Maharashtra.

INDUSTRY: Coal.

Bombay, the 29th June 1961

AWARD

The Government of India, Ministry of Labour and Employment, by order No. 1/10/61-LRII, dated 22nd April 1961 made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) was pleased to refer the industrial dispute between the parties abovenamed in respect of the matters specified in the following schedule thereto for adjudication to me:—

SCHEDULE

“Whether the management of Ballarpur Colliery was justified in transferring the following 12 workmen from the post of shot carriers to that of drill machine mazdoors? If not, to what relief are they entitled?”

1. Shri Sudhala Yella Durga.
2. Shri Durga Raja Raimalloo.
3. Shri Arjuna Shivshran
4. Shri Lachoo Sudam.
5. Shri Budha Konda.
6. Shri More Narsa Durga.
7. Shri Venkateshwarin Shamrao.
8. Shri Narayan Kamsam.
9. Shri Manikchand Ghinoo.
10. Shri Rupchand Nathoo.
11. Shri Linga Ankush.
12. Shri Tokal Chinna Raja.”

2. The short question involved in this dispute is whether the management was justified in transferring the 12 workmen named in the order of reference from the posts of shot carriers to those of drill machine mazdoors and if not, to what relief they are entitled. It is admitted that these 12 workmen were working as shot carriers ever since they joined the service of this colliery and that in February 1961 they were transferred to work as drill machine mazdoors under the Majumdar Award belong to category II and are entitled to a common grade of pay.

3. The union in its written statement and at the hearing has urged two objections against the transfer. One is that in effecting the transfer the management had not followed the procedure prescribed by section 9A of the Industrial Disputes Act, 1947, which provides for a notice of change before the conditions of service applicable to a workman in respect of the matters specified in the fourth schedule can be changed. I have looked into the matters specified in schedule IV in respect of which notice of change is necessary, and I am not satisfied that the transfer of these 12 workmen from the posts of shot carriers to that of drill machine mazdoors is covered by any of the items mentioned in that schedule. The union has urged that item No. 7 which reads, "classification by grades" covers the present transfers. But I am not satisfied that there is any substance in this contention as there has been no change in the service conditions nor in the grades of pay applicable to the designations of drill machine mazdoors to which these workmen have been transferred. I, therefore, hold that the transfers effected by the company did not require a notice of change under section 9A of the Act.

4. The next contention urged by the union is that by being transferred from the posts of shot carriers to those of drill machine mazdoors, these workmen had suffered in their chances of promotion to higher posts. I have heard the submissions of both parties on the point and I am not at all satisfied that there is any substance in this contention of the union. The chances of promotion for the workmen in either of the two posts are equal and the union's case that a shot carrier can in due course qualify to be even the Manager of the colliery is far fetched and unrealistic. I am satisfied that even as drill machine mazdoors the workmen will have equal chances for promotion to higher posts. It must be remembered that a shot carrier cannot go even to the higher post of shot firer without passing a qualifying examination.

5. The Manager of the Colliery, Shri P. D. Chaudhari has stated before me that he effected the transfer in the interests of safety in the mines and to reduce the cost of explosives in the mine. He stated that explosives had been found lying near the underground travelling road in the mine by which the workers travel to their working place and back. He had also found that explosives, evidently from the colliery, were being used for killing fish in the nearby Wardha river and that he had received reports that explosives from his colliery were being used by miners in a fairly distant place like Kagaz Nagar for the same purpose. He also stated that he had found that since he joined the colliery as manager in April 1960 the cost of the explosives was steadily mounting. He, therefore, felt it necessary to transfer these shot carriers who had access to the explosives to do the work of drill machine mazdoors and that the transfers were made in the interest of the safety of the mine. He also stated that the Police had received reports about the misuse of the explosives outside the colliery, and that after these 12 shot carriers were transferred to work as drill machine mazdoors, there was no longer any misuse of explosives and he had also found that the quantity of explosives used in the colliery had gone down.

6. On the parties submissions, I am satisfied that the transfer of these 12 shot carriers to the posts of drill machine mazdoors was justified in the interest of the safety of the mine and economy in the use of explosives. I, therefore, answer the first part of the reference in the affirmative. As regards the second part of the reference regarding the relief if any to which these workmen are entitled, I hold that no case has been made out for any relief to these transferred workmen.

Now, therefore, I award accordingly.

SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal, Bombay.

New Delhi, the 10th July 1961

S.O. 1655.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Ballarpur Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. CGIT-5, OF 1961

Employers in relation to the Ballarpur Colliery.

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the employers: Shri S. V. Kanade, Personnel Officer and Shri P. D. Chaudhari, Manager, Ballarpur Colliery.

For the workmen: Shri Zallaram, Vice-President, Bombay Pradesh Mine Workers' Union.

STATE: Maharashtra:

INDUSTRY: Coal.

Bombay the 28th June 1961

AWARD

The Government of India, Ministry of Labour and Employment, by Order No. 2/39/61-LRIL, dated the 18th March, 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), was pleased to refer the industrial dispute between the parties abovenamed in respect of the matters specified in the following schedule thereto for adjudication to me:—

SCHEDULE

"Whether the management of Ballarpur Colliery was justified in terminating the services of (i) Shri Vithoo Suka, Haulage Mazdoor, (ii) Shri Bapurao Tukaram Brahman, Haulage Mazdoor, (iii) Shri Bapurao Tukaram Wankhede, Haulage Mazdoor, (iv) Shri Madgul Chandraya Rajam, Haulage Mazdoor, (v) Shri Dasar Pocham, Dresser, and (vi) Shri Madgul Yella, Trammer of Ballarpur Colliery? If not, what relief should be given to them?"

2. After both parties had made their submissions at the hearing on 27th June, 1961, they reached a settlement under which the union did not press the reinstatement of Sarvashri Dasar Pocham, Dresser and Shri Madgul Yella, Serial Nos. 5 and 6 and therefore it agreed to their dismissal being confirmed. With regard to the remaining four dismissed workmen it was agreed that the employers shall reinstate them in service in their former posts on their reporting for duty on or before 15th July, 1961, and that such reinstatement would be with continuity of their past service and their absence from duty from 5th October, 1960, till the time they report for duty shall be treated as on leave without pay. The parties have recorded these terms of settlement in a joint application which they filed before me on 27th June, 1961, and have prayed that an award be made in terms of that settlement, a copy of which is annexed hereto and marked annexure 'A'. As I am satisfied that in the facts and circumstances of the case the terms of settlement reached between the parties are fair and reasonable I make an award in terms thereof and the said joint application shall form part of this award.

No order as to costs.

Sd./- **SALIM M. MERCHANT,**

Presiding Officer,

Central Government Industrial Tribunal, Bombay.

ANNEXURE "A"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. CGIT-5, of 1961.

Employers in relation to the Ballarpur Colliery.

AND

Their workmen.

TERMS OF SETTLEMENT.

May it please the Tribunal,

The parties to the above reference have arrived at the following settlement and pray that an award be passed in terms of the said settlement:

1. That the dismissal of Dasar Pocham, Dresser and Madgul Yella, trammer (Serial Nos. 5 and 6) be confirmed.
2. That the workers Vithoo Suka, Bapurao Tukaram Brahmane, Bapurao Tukaram Wankhede and Madgul Chandraya Rajam, all haulage mazdoors (Serial Nos. 1 to 4) be reinstated in service in their former posts on their reporting for service on or before 15th July, 1961, without break in continuity of their former service and their absence from 5th October, 1960, till the time they actually report for duty shall be treated as leave without pay.
2. The parties therefore pray that an award may kindly be passed embodying the above terms of settlement.

Bombay, the 27th June, 1961.

For the Ballarpur Collieries
Co.Shri S. V. KANADE,
Personnel Officer.
P. D. CHAUDHARI,For the Bombay Pradesh
Mine Workers' Union.ZALLA RAM,
Vice-President.

Before me.

SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal, Bombay.
[No. 2/39/61-LRII.]

S.O. 1656.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Ballarpur Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. CGIT-11 of 1961.

Employers in relation to the Ballarpur Colliery.

AND

their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the employers.—Shri S. V. Kanade, Personnel Officer and Shri P. D. Chaudhari, Manager, Ballarpur Colliery.

For the workmen.—Shri Zallaram, Vice-President, Bombay Pradesh Mine workers' Union.

STATE: Maharashtra.

INDUSTRY: Coal.

Bombay the 28th June 1961

AWARD

The Government of India, Ministry of Labour and Employment, by Order No. 2/85/61-LRII, dated 2nd May, 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer the industrial dispute between the parties abovenamed in respect of the matters specified in the following schedule thereto for adjudication to me:—

SCHEDULE

"Whether the management of Ballarpur Colliery was justified in transferring Sarvashri (i) Katkam Mallaya, (ii) Sampat Shrawan Gaikawad and (iii) Kachroo Soma from surface work to underground work? If not, what relief should be given to them?"

2. At the hearing of this dispute on 27th June, 1961, after the parties had made their submissions, on my suggestion the management agreed to re-transfer these three workmen viz., (i) Katkam Mallaya, (ii) Sampat Shrawan Gaikawad and (iii) Kachroo Soma, from the underground to the surface to do sand packing work with effect from 1st October, 1961, and I award accordingly.

No order as to costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer,

Central Govt., Industrial Tribunal, Bombay.

[No. 2-85/61-LRII.]

ORDERS

New Delhi, the 5th July 1961

S.O. 1657.—Whereas the employers in relation to the Rajnagar Colliery and their workmen represented by the Rajnagar Colliery Mazdoor Sangh, P.O. Rajnagar Colliery, District Shahdol (Madhya Pradesh) have jointly applied to the Central Government for reference to a Tribunal of an industrial dispute in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Rajnagar Colliery Mazdoor Sangh represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

The Schedule

FORM A

See Rule 3

Form of application for the reference of an Industrial Dispute to a Tribunal under Section 10(2) of the Industrial Disputes Act, 1947.

Whereas an Industrial Dispute exists between the management of M/s. Dalchand Bahadur Singh, P.O. Rajnagar Colliery, Dist. Shahdol, (M.P.) and their workmen as represented by Rajnagar Colliery Mazdoor Sangh and it is expedient that the matters specified in the enclosed statement which are connected with or relevant to the dispute should be referred for adjudication by a Tribunal, an application is hereby made under sub-Sec. (2) of section 10 of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1957 is attached.

Dated the 8th May 1961.

Sd/- Illegible

Signature of Agent & Mining Engineer,
Rajnagar Colliery.

Signature of the

Sd/- Illegible

President,

Rajnagar Colliery Mazdoor Sangh.

Signature of the

Sd/- Illegible

Secretary,

Rajnagar Colliery Mazdoor Sangh.

To

The Secretary to the Govt. of India,
Ministry of Labour.

Statement required under Rule 3 of the Industrial Disputes Rules, 1957 to accompany the form of application prescribed under sub-section (2) of section 10 of the Industrial Disputes Act, 1947:—

(a) Parties to the dispute including the name and address of the establishment or undertaking involved:—

- (1) Management of M/s. Dalchand Bahadur Singh, Rajnagar Colliery, P.O. Rajnagar Colliery, Dist. Shahdol (M.P.).
- (2) Workmen as represented by Rajnagar Colliery Mazdoor Sangh, P.O. Rajnagar Colliery, Dist. Shahdol (M.P.).

(b) Specified matters in the dispute:—

(1) Whether the termination of services of the following 15 workmen were justified? —

- (1) Sonu, S/o Timboo.
- (2) Galhoria, S/o Jagesar.
- (3) Brijlal, S/o Kunjal.
- (4) Phirtu, S/o Pardeshi.
- (5) Dulare, S/o Gokul.
- (6) Anufram, S/o Hukum.
- (7) Dhamelal, S/o Mahate.
- (8) Badrudin, S/o Mohammad Hanif.
- (9) Bisali, S/o Chhidda.
- (10) Kitab, S/o Sirdayal.
- (11) Anantram, S/o Bagatram.
- (12) Jagdishwar, S/o Jurgu.
- (13) Sundar, S/o Punao.
- (14) Dharbari, S/o Bhikham.
- (15) Ram Prasad, S/o Besahu.

(2) If not to what relief they are entitled from and after 1st April 1960?

(3) Whether Shri Seomangal Singh could be deemed to be an employee of Rajnagar Colliery? If so, whether the management were justified in terminating his services. If not, to what relief he is entitled from and after 1st April, 1960.

(c) Total No. of workmen employed in the undertaking affected:—870.

(d) Estimated number of workmen affected or likely to be affected by the dispute:—16.

(e) Efforts made by the parties themselves to adjust the disputes:—

The parties agreed in the Conciliation settlement dated 12th January 1961, that they shall mutually negotiate for a settlement failing which the dispute shall be referred for arbitration. As the Arbitrators refused to accept the arbitration the parties mutually agreed to refer the dispute to a Tribunal under Section 10(2) of the Industrial Disputes Act, 1947.

Sd/- Illegible

Signature of Agent & Mining Engineer,
Rajnagar Colliery.

Sd/- Illegible

Signature of President,
Rajnagar Colliery Mazdoor Sangh.

Sd/- Illegible

Signature of Secretary,
Rajnagar Colliery Mazdoor Sangh.

[No. 4/89/61-LRII.]

S.O. 1658.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Pootkee Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Pootkee Colliery was justified in retrenching the eight workmen whose names are mentioned below? If not, to what relief are they entitled?

1. Shri A. K. Raha.
2. Shri J. N. Singh.
3. Shri P. B. Singh.
4. Shri S. Sirajuddin.
5. Shri S. C. Ghosh.
6. Shri N. R. Bose.
7. Shri Adadkut Singh.
8. Shri A. Salam.

[No. 1/45/60-LRII.]

A. L. HANDA, Under Secy.

New Delhi, the 11th July 1961

S.O. 1659.—In pursuance of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1579, dated the 4th July, 1959, the Central Government hereby constitutes the Standing Committee of the Employees' State Insurance Corporation, consisting of the following members, namely:—

Chairman

(Nominated by the Central Government under clause (a) of section 8).

- (1) Shri P. M. Menon, Secretary to the Government of India, Ministry of Labour and Employment.

Members

(Nominated by the Central Government under clause (b) of section 8)

- (2) Lt. Col. V. Srinivasan, Director General of Health Services.
- (3) Shri M. G. Kaul, Joint Secretary to the Government of India, Ministry of Finance.
- (4) Shri N. S. Mankiker, Chief Adviser, Factories.

(Members of the Corporation representing three State Governments under clause (bb) of section 8).

- (5) The member of the Corporation representing the Government of Maharashtra.
- (6) The member of the Corporation representing the Government of West Bengal.
- (7) The member of the Corporation representing the Government of Madras.

(Elected by the Corporation under sub-clause (ii) of clause (c) of section 8).

- (8) Shri Madanmohan Mangaldas, "MANGAL BAGH", Ellis Bridge, Ahmedabad.
- (9) Shri R. D. Trivedi, M/s. Jeewanlal (1929) Ltd., 31, Netaji Subhas Road, Calcutta—1.

(Elected by the Corporation under sub-clause (iii) of clause (c) of section 8).

(10) Shri M. T. Shukla, C/o Textile Labour Association, Gandhi Majdoor Sewalaya, Bhadra, Ahmedabad.

(11) Shri S. Y. Kolhatkar, General Secretary, Bombay State Committee of A.I.T.U.C., 166, Khandelwal Bhuwan, Dadabhai Navroji Road, Fort, Bombay-1.

(Elected by the Corporation under sub-clause (iv) of clause (c) of section 8).

(12) Dr. C. S. Thakar, Station Road, Santa Cruz, Bombay-54.

(Elected by the Corporation under sub-clause (v) of clause (c) of section 8).

(13) Shri Ghanshyam Lal Oza, M.P., C/o Harihar Society, Ahmedabad-13.

[No. F. 1(24)/61-HI.]

BALWANT SINGH, Under Secy.

New Delhi, the 11th July 1961

S.O. 1660.—The following draft of a scheme further to amend the Vizagapatam Dock Workers (Regulation of Employment) Scheme 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 1st September 1961.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Amendment

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Amendment Scheme, 1961.

2. In the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, in sub-clause (3) of clause 17 the words, "Tindal, Winchman, Tipper and Signalman" shall be deleted.

[No. 526(6)/61-Fac.]

R. C. SAKSENA, Under Secy